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LEGISLATIVE HISTORY

Public Law 643--77th Congress

Chapter 471--2d Session

S. 2586

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DIGEST OF PUBLIC LAW 643

CONTINUATION OF AUTHORITY TO REQUISITION ARTICLES AND MATERIALS FOR U. S. USE. Continues until June 30, 1944, or such earlier time as Congress or the President may designate, the act of October 10, 1940, to authorize the President to requisition certain articles and materials for use of the United States, and broadens the act to include articles and materials used for prosecution of the war and articles or materials the exportation of which has been prohibited or curtailed.

INDEX AND SUMMARY OF HISTORY ON S. 2586.

June 8, 1942	S. 2586 was introduced by Senator Thomas and was referred to the Senate Committee on Military Affairs. Print of the bill as introduced.
	H. R. 7202 was introduced by Rep. May and was referred to the House Committee on Military Affairs. Print of the bill as introduced.
June 16, 1942	Hearings: Senate, S. 2586.
June 18, 1942	Senate Committee reported S. 2586 with an amendment. S. Report 1499. Print of the bill as reported.
June 22, 1942	S. 2586 was discussed in the Senate and passed with an amendment.
	House Committee reported H. R. 7202 without amendment. House Report 2264. Print of the bill as reported.
June 27, 1942	S. 2586 was discussed in the House and passed without amendment.
	H. R. 7202 was laid on the table in view of the passage of S. 2586.
June 29, 1942	Senate agreed to S. Con. Res. 29 to correct the wording in the bill.
June 30, 1942	House agreed to S. Con. Res. 29.
July 2, 1942	Approved. Public Law 643.



farmer cannot get to town, the small merchants will suffer, and even in a city like Wichita, which is largely dependent on its trade territory, will be badly hurt.

I submit that Americans everywhere will stop at no sacrifice necessary to the winning of this war, but I also submit that unnecessary regulations injurious to the livelihood of ordinary folks will do more harm than good, and I raise my voice in protest against this action.

It seems to me that Mr. Leon Henderson, of the Office of Price Administration, has been granted too much power for any one man to wield, and I think it is time that the Members of Congress give some thought to matters themselves.

I shall appreciate your reaction of these ideas at your early convenience.

With kind regards, I am,

Sincerely yours,

ALLEN W. HINKEL.

WICHITA, KANS.,
June 3, 1942.

ARTHUR CAPPER,

United States Senator,
Senate Office Building,
Washington, D. C.:

Gasoline rationing in Kansas and other oil-producing States would greatly retard oil development. We have plenty of gasoline in this section of country. Extremely foolish to penalize this part of country because eastern seaboard is short. Please pass this information to Kansas delegation.

ARGO OIL CORPORATION,
LEE SCOTT.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SCHWARTZ, from the Committee on Military Affairs:

S. 538. A bill granting the Distinguished Service Cross to Raymond P. Finnegan; with amendments (Rept. No. 1444); and

H. R. 3337. A bill to provide for the issuance of a duplicate adjusted-service certificate to Andrew J. Bissinger; without amendment (Rept. No. 1445).

By Mr. THOMAS of Utah, from the Committee on Military Affairs:

S. 2558. A bill to further expedite the prosecution of the war by authorizing the control of the exportation of certain commodities; with an amendment (Rept. No. 1446).

By Mr. McCARRAN, from the Committee on the District of Columbia:

H. R. 6899. A bill to exempt custodial employees of the District of Columbia Board of Education from the operation of the provisions of section 6 of the Legislative, Executive, and Judicial Appropriation Act approved May 10, 1916; with amendments (Rept. No. 1447).

By Mr. PEPPER, from the Committee on Education and Labor:

S. 2412. A bill to provide benefits for the injury, disability, death, or enemy detention of civilians, and for the prevention and relief of civilian distress arising out of the present war, and for other purposes; with an amendment (Rept. No. 1448).

By Mr. WALSH, from the Committee on Naval Affairs:

H. R. 6355. A bill to amend the act entitled "An act to amend the act entitled 'An act to expedite national defense, and for other purposes,'" approved June 28, 1940; with amendments (Rept. No. 1451).

H. R. 7036. A bill to authorize the attendance of the Marine Band at the fifty-second annual reunion of the United Confederate Veterans to be held at Chattanooga, Tenn., June 23 to 26, inclusive, 1942; without amendment (Rept. No. 1449);

H. R. 7159. A bill authorizing the construction of certain auxiliary vessels for the

United States Navy, and for other purposes (Rept. No. 1450); and

S. Res. 259. Resolution authorizing the inspection of United States navy yards, air stations, and other naval activities; without amendment; and, under the rule referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

By Mr. McKELLAR, from the Committee on Appropriations:

H. R. 7182. A bill making additional appropriations for the Navy Department and the naval service for the fiscal years ending June 30, 1941, 1942, and 1943, and for other purposes; with amendments (Rept. No. 1452); and

H. J. Res. 316. Joint resolution making an additional appropriation for the fiscal year 1942 for the training and education of defense workers; without amendment (Rept. No. 1453).

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills and joint resolution:

On June 5, 1942:

S. 2250. An act to mobilize the productive facilities of small business in the interests of successful prosecution of the war, and for other purposes.

On June 6, 1942:

S. 221. An act conferring jurisdiction upon the Court of Claims of the United States to hear, determine, and render judgment upon the claims of the Beacon Oyster Co., the Point Wharf Oyster Co., and B. J. Rooks & Son;

S. 244. An act for the relief of the San Francisco Mountain Scenic Boulevard Co.;

S. 1044. An act for the relief of L. H. Goodman;

S. 1563. An act conferring jurisdiction upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim of Albert M. Howard;

S. 1648. An act conferring jurisdiction upon the United States District Court for the District of Oregon to hear, determine, and render judgment upon the claim of the Shaver Forwarding Co., of Portland, Ore.;

S. 1732. An act for the relief of Max Miller and Vera Caroline Miller et al.;

S. 1756. An act for the relief of Franklin Benjamin McNew;

S. 1820. An act for the relief of Jerry McKinley Thompson;

S. 2037. An act for the relief of Edgar B. Dunlap;

S. 2048. An act for the relief of Lt. William Stewart Walker;

S. 2069. An act for the relief of the Quimby-Ryan Engineering Sales Co., Inc.;

S. 2103. An act to amend section 125 of the National Defense Act of June 3, 1916 (39 Stat. 216), as amended, so as to authorize citizens of foreign countries who are graduates of Air Corps advanced flying schools and Air Corps service schools to wear aviation badges;

S. 2235. An act for the relief of Harriett Boswell, guardian of Betty Fisher;

S. 2251. An act for the relief of Charles Brauch;

S. 2278. An act for the relief of Bob Sampley;

S. 2318. An act for the relief of Primo Giordanengo and Angie Giordanengo;

S. 2354. An act for the relief of Mr. and Mrs. George M. Legg and Loetta Traher;

S. 2451. An act for the relief of Anthony W. Livingston;

S. 2452. An act to provide for the advancement on the retired list of certain officers of the United States Coast Guard and the Coast and Geodetic Survey;

S. 2453. An act to authorize the obligation of funds of the Coast Guard for work or material at Government-owned establishments, and for other purposes;

S. 2469. An act for the relief of William Edward Fleming;

S. 2470. An act for the relief of Eileen Collins Treacy;

S. 2490. An act to amend the Coast Guard Auxiliary and Reserve Act of 1941 (Public Law 8, 77th Cong.), as amended by section 10 of the act entitled "An act to amend and clarify certain acts pertaining to the Coast Guard, and for other purposes," approved July 11, 1941 (Public Law 166, 77th Cong.); and

S. J. Res. 24. Joint resolution for the relief of W. K. Richardson.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. VAN NUYS:

S. 2579. A bill to facilitate the disposition of prizes captured by the United States during the present war, and for other purposes; to the Committee on the Judiciary.

By Mr. RUSSELL (for himself and Mr. MAYBANK):

S. 2580. A bill to provide for reimbursing States for losses in gasoline-tax revenues sustained on account of the rationing of gasoline under the authority of the United States; to the Committee on Finance.

By Mr. THOMAS of Utah:

S. 2581. A bill to authorize the Secretary of War to convey to the people of Puerto Rico certain real estate now under the jurisdiction of the United States; to the Committee on Military Affairs.

By Mr. ROSIER:

S. 2582. A bill to make Younghill Kang eligible for naturalization; to the Committee on Immigration.

By Mr. MURRAY:

S. 2583. A bill to exempt from the provisions of section 404 of the Nationality Act of 1940 certain naturalized American citizens temporarily residing in certain foreign states in the Western Hemisphere; to the Committee on Immigration.

By Mr. MALONEY:

S. 2584. A bill to permit appointment of White House police, in accordance with the civil-service laws, from sources outside the Metropolitan and United States Park Police forces; to the Committee on Public Buildings and Grounds.

(Mr. BANKHEAD (for himself and Mr. RUSSELL) introduced Senate bill 2585, which was referred to the Committee on Agriculture and Forestry, and appears under a separate heading.)

By Mr. THOMAS of Utah:

S. 2586. A bill to amend section 3 of the act entitled "An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940 (54 Stat. 1090), to continue it in force during the existing war; to the Committee on Military Affairs.

By Mr. MALONEY:

S. J. Res. 151. Joint resolution to create a commission for the emergency safeguarding of the Capitol and other buildings in the legislative group, and other buildings under the Architect of the Capitol; to the Committee on Public Buildings and Grounds.

LOANS ON 1942 CROPS

Mr. BANKHEAD. Mr. President, on behalf of the Senator from Georgia [Mr. RUSSELL] and myself I introduce a bill, which I ask to have read, and with re-

spect to which I wish to make a very brief statement.

The PRESIDENT pro tempore. Without objection, the bill will be read.

The bill (S. 2585) to provide that loans on the 1942 crop of corn, wheat, rice, cotton, tobacco, and peanuts shall be made at a rate equal to the parity price, was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That subparagraph (a) of paragraph No. 10 of the joint resolution entitled "Joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended," is amended to read as follows:

"(a) To cooperators (except cooperators outside the commercial corn-producing area, in the case of corn) at a rate equal to the parity price for the commodity as of the beginning of the marketing year in the case of the 1942 crop of such commodities, and at the rate of 85 percent of the parity price for the commodity as of the beginning of the marketing year in the case of the crops of such commodities for the other years above specified;"

Mr. BANKHEAD. Mr. President, there is constantly expressed anxiety about an inflationary run-away in our price situation. There may be some signs of it in industrial commodities, but so far as agriculture is concerned the situation is exactly the reverse. It has been repeatedly charged by a number of newspapers and commentators that agricultural prices constitute an inflationary threat. The facts are exactly the opposite. If other prices are going up, resulting in inflation, an additional burden is placed upon agricultural producers, because their prices are going down.

In the past 10 days the prices of grains have suffered a very great decrease. Take the case of wheat. On Saturday the price of July wheat on the Chicago exchange closed at \$1.17½ a bushel. About 2 weeks ago the price of wheat on the same market was about \$1.30 a bushel. So within that short period there has been a reduction in the price of wheat of approximately 13 cents a bushel.

There has also been a reduction in the price of rye. On Saturday the price of July rye closed at 64½ cents. Only a few days ago it was above 70 cents.

The price of cotton has gone down within the last 10 days from \$10 to \$12 a bale without any apparent reason for the reduction. There has been no change in the supply. There has been an increase, if any change at all, in consumption; but notwithstanding those facts, prices have been drifting down and are continuing down. Last Saturday was one of the worst days in the matter of price reductions. The price of cotton, for instance, went down \$2.50 a bale—50 points—without any apparent reason to justify the decline.

That is in the face, Mr. President, of a fear of inflation. I am not arguing for inflation. I do not want to see it; but, according to the newspapers, we are about to appropriate a tremendous amount of money if we follow the requests made to Congress to prevent inflation. There is talk about 100,000 more employees for the O. P. A., and more than \$100,000,000 is being requested in appropriations to prevent inflation; and

yet we confront the situation I have described with the farm population constituting nearly one-fourth of the population of America. Their prices, instead of going up, are going down. Deflation, rather than inflation, is in effect in agriculture.

The farmers must pay the increased prices which are being brought about in industry. The effect of that situation, to prevent which so much money is being asked for and so many employees requested, bears down upon the farmers. Instead of their receiving more income with which to meet the increased expenditures, we learn, according to the figures I have cited and according to common knowledge, that just the opposite is happening. New crops are now coming into the market. Wheat will soon be harvested. In a few months cotton will be harvested, and so will corn.

When Mr. Herbert Hoover, the Food Administrator during the first World War, was before the Committee on Banking and Currency, he warned that committee that, instead of being anxious about price ceilings, it had better look after price floors. That was the question to be uneasy about and to be considered by that committee, and protection in some way secured. Now we find that his prediction has been proven.

I desire to make a short statement about the bill, and then I shall conclude. It is an amendment to the 85-percent loan bill. It provides for increasing the rate of loans upon this year's crop only to 100 percent of parity to parity prices. The only complaint I have heard made against the farmers is that they have been seeking an income above parity. The bill does not provide for more than parity; it merely provides a floor under which cooperating farmers, instead of receiving 85 percent of loans, may receive in order to meet the increased expenses they must bear, a floor of 100 percent of parity itself.

Therefore, I hope to have the cooperation of every Senator who is interested in having decent, fair treatment accorded to the farmers. We shall try to have a meeting of the Committee on Agriculture and Forestry. I have just consulted the chairman of that committee, who sits beside me, and he assures me that at an early date he will call a meeting of the committee to consider this bill.

Mr. McNARY. I have read the bill now before the Senate. In it there is no request for reference to a committee. It appears to be an amendment to the Agricultural Adjustment Act. I assume that the bill will be referred to the Committee on Agriculture and Forestry rather than lie on the table.

The PRESIDENT pro tempore. Without objection, the bill will be referred to the Committee on Agriculture and Forestry.

HOUSE BILL REFERRED

The bill (H. R. 7181) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1943, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT

Mr. McKELLAR submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 7182) making additional appropriations for the Navy Department and the naval service for the fiscal years ending June 30, 1941, 1942, and 1943, and for other purposes, the following amendment, namely:

On page 2, after line 6, to insert:

"OFFICE OF THE SECRETARY

"Miscellaneous expenses, Navy, 1942: For the temporary employment of persons or organizations by contract or otherwise without regard to section 3709 of the Revised Statutes, or the classification laws, or section 5 of the act of April 6, 1914 (38 Stat. 335), \$75,000, of which amount \$65,000 shall be available for the payment of obligations incurred since January 28, 1942."

Mr. McKELLAR also submitted an amendment intended to be proposed by him to House bill 7182, making additional appropriations for the Navy Department and the naval service for the fiscal years ending June 30, 1941, 1942, and 1943, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

RATIONING OF GASOLINE

Mr. HATCH. Mr. President, I offer for the RECORD a letter from Estancia, N. Mex., written by George A. Sweetman, general manager of the Planters Mutual Insurance Co. The letter deals with Nation-wide rationing of gasoline. I offer this letter because of the pertinent facts and the information therein contained, in the hope that it will be read by someone having something to do with Nation-wide rationing of gasoline.

I wish to call attention to the fact that Estancia, N. Mex., is located in Torrance County, which is in the southwestern part of the State and has no railroad connections whatsoever. The only means of communication the residents in that country have with the outside is through automobiles, trucks, or busses.

I also present for the RECORD a letter from Quemado, N. Mex., which deals with the subject of trucking. I hope that this letter also will be read by someone who is about to make orders that a truck making deliveries must carry a return load, in order that such officials may receive some information.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Mexico?

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE PLANTERS MUTUAL INSURANCE CO.,
Estancia, N. Mex., June 3, 1942.
Hon. CARL HATCH,
Washington, D. C.

DEAR SENATOR: It seems at this time there is much being said relative to the rationing of gasoline throughout the United States. Perhaps it is essential in some parts, more so, I assume, on account of transportation than it is on account of shortage.

However, it does not seem that it should be general in our home State, at least where our wells are hobbled to hold down over-

IN THE SENATE OF THE UNITED STATES

JUNE 8, 1942

Mr. THOMAS of Utah introduced the following bill; which was read twice and referred to the Committee on Military Affairs

A BILL

To amend section 3 of the Act entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes", approved October 10, 1940 (54 Stat. 1090), to continue it in force during the existing war.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 3 of the Act entitled "An Act to authorize the
4 President to requisition certain articles and materials for the
5 use of the United States, and for other purposes", approved
6 October 10, 1940 (54 Stat. 1090), is amended to read as
7 follows:

8 "SEC. 3. The authority granted in this Act shall remain
9 in force during the continuance of the present war and for
10 six months after the termination of the war, or until such
11 earlier time as the Congress by concurrent resolution or the
12 President by proclamation may designate.

A BILL

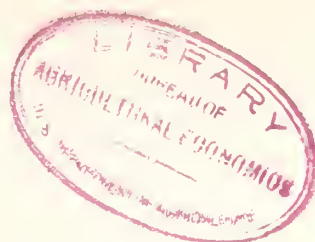
To amend section 3 of the Act entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes", approved October 10, 1940 (54 Stat. 1090), to continue it in force during the existing war.

By Mr. THOMAS of Utah

JUNE 8, 1942

Read twice and referred to the Committee on Military
Affairs

H. R. 7202



IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 1942

Mr. MAY introduced the following bill; which was referred to the Committee on Military Affairs

A BILL

To amend section 3 of the Act entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes", approved October 10, 1940 (54 Stat. 1090), to continue it in force during the existing war.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 3 of the Act entitled "An Act to authorize the
4 President to requisition certain articles and materials for the
5 use of the United States, and for other purposes", approved
6 October 10, 1940 (54 Stat. 1090), be amended to read as
7 follows:

8 "SEC. 3. The authority granted in this Act shall remain
9 in force during the continuance of the present war and for
10 six months after the termination of the war, or until such
11 earlier time as the Congress by concurrent resolution or the
12 President by proclamation may designate."

A BILL

To amend section 3 of the Act entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes", approved October 10, 1940 (54 Stat. 1090), to continue it in force during the existing war.

By Mr. May

JUNE 8, 1942

Referred to the Committee on Military Affairs

Spence 16

REQUISITION OF CERTAIN ARTICLES AND MATERIALS

HEARING

BEFORE THE

COMMITTEE ON MILITARY AFFAIRS

UNITED STATES SENATE

SEVENTY-SEVENTH CONGRESS

SECOND SESSION

ON

S. 2586

A BILL TO AMEND SECTION 3 OF THE ACT ENTITLED
"AN ACT TO AUTHORIZE THE PRESIDENT TO RE-
QUISITION CERTAIN ARTICLES AND MATERIALS
FOR THE USE OF THE UNITED STATES, AND
FOR OTHER PURPOSES", APPROVED
OCTOBER 10, 1940 (54 STAT. 1090), TO
CONTINUE IT IN FORCE DUR-
ING THE EXISTING WAR

JUNE 16, 1942

Printed for the use of the Committee on Military Affairs



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1942

COMMITTEE ON MILITARY AFFAIRS

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REQUISITION OF CERTAIN ARTICLES AND MATERIALS

TUESDAY, JUNE 16, 1942

UNITED STATES SENATE,
COMMITTEE ON MILITARY AFFAIRS,
Washington, D. C.

The committee met at 10 a. m., pursuant to call, in the Military Affairs Committee Room, the Capitol, Senator Elbert D. Thomas presiding.

Present: Senators Thomas of Utah, Schwartz, Chandler, Holman, and Thomas of Idaho.

Senator THOMAS of Utah. Let the committee come to order, please. Senator Reynolds, the chairman of the committee, is out of town visiting Army camps, and I am acting as chairman in his stead.

We will first take up S. 2586, a bill to amend section 3 of the act entitled "An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940, to continue it in force during the existing war.

(S. 2586 is as follows:)

[S. 2586, 77th Cong., 2d sess.]

A BILL To amend section 3 of the Act entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940 (54 Stat. 1090), to continue it in force during the existing war

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes", approved October 10, 1940 (54 Stat. 1090), is amended to read as follows:

"SEC. 3. The authority granted in this Act shall remain in force during the continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate.

Senator THOMAS of Utah. We have a letter from the War Department, dated June 3, 1942, which I will ask the recorder to insert in the record at this place.

(The letter referred to is as follows:)

WAR DEPARTMENT,
Washington, June 3, 1942.

HON. ROBERT R. REYNOLDS,
Chairman, Committee on Military Affairs,
United States Senate.

DEAR SENATOR REYNOLDS: There is enclosed a draft of a bill to amend section 3 of the act entitled "An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940 (54 Stat. 1090), to continue it in force

during the existing war, which the War Department recommends be enacted into law.

The purpose of the proposed legislation is to continue in effect during the present war the provisions of sections 1 and 2 of the act of October 10, 1940 (54 Stat. 1090, Public, 829, 76th Cong.).

Section 1 authorizes the President, whenever he deems it necessary in the interest of national defense, to requisition and take over for the use of or operation by, the United States, and to sell, or otherwise dispose of, any military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or any supplies necessary for the manufacturing, servicing, or operation thereof, which have been ordered, manufactured, procured, or possessed for export purposes, the exportation of which has been denied in accordance with the provisions of section 6 of the act of July 2, 1940 (54 Stat. 712).

Section 2 provides that whenever the President shall requisition and take over any article or material pursuant to the provisions of section 1, the owner shall be paid such compensation therefor as the President shall determine to be fair and just, but if the owner is unwilling to accept the sum so determined, he shall be paid 50 percent thereof, and shall be entitled to sue the United States for such additional sum as he considers fair and just compensation for the property requisitioned, in the manner provided by sections 41 (20) and 250, title 28, of the United States Code, his recovery to be confined to the fair market value of the property, without any allowance for prospective profits or punitive or other damages.

Section 3 provides that the authority granted by sections 1 and 2 shall terminate June 30, 1942, unless the Congress shall otherwise provide. Amendment of section 3 in the manner proposed would continue the provisions of sections 1 and 2 in effect during the present war and for 6 months after termination thereof, or until such earlier time as the Congress or the President might designate.

The act of October 16, 1941 (55 Stat. 742, Public Law 274, 77th Cong.), as amended by section 602, title VI, of the Second War Powers Act of 1942, approved March 27, 1942 (Public Law 507, 77th Cong.), authorizes the President to requisition, take over, and dispose of, during the national emergency declared by him on May 27, 1941, but not later than June 30, 1943, upon payment of fair and just compensation, any military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for manufacturing, servicing, or operating such equipment, supplies, or munitions, whenever he determines (1) that their use or operation is needed for the defense of the United States; (2) such need is immediate and impending and will not admit of delay or resort to any other source of supply; and (3) all other means of obtaining the use of such property for the defense of the United States, upon fair and reasonable terms, have been exhausted.

The act also provides that the President shall determine the amount of fair and just compensation to be paid for any property requisitioned and taken over, and that if the person entitled to receive such compensation is unwilling to accept the amount determined by the President; he shall be paid 50 percent of such amount, and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided by sections 24 (20) and 145 of the Judicial Code (28 U. S. C. 41 (20) and 250) for such additional amount as he considers will afford him fair and just compensation.

In enacting the act of October 16, 1941, authorizing the requisitioning and taking over of property of citizens of the United States, the Congress was careful to provide every reasonable safeguard for the protection of private rights, and authorized the taking of private property of citizens only under the circumstances and on the conditions specified. As to property intended for export, which frequently belongs to aliens, no such restrictions and safeguards are necessary, since protection of the interests of the United States, as distinguished from the interests of the property owner, is the principal concern.

Before requisitioning the property of a citizen under the act of October 16, 1941, the public need therefor must be determined in the manner therein specified, the identity of the owner or his duly authorized agent must be ascertained, and all other means of obtaining the property upon fair and reasonable terms must be exhausted. The citizen is thus assured that he will not be compelled to give up his property unless it is urgently needed for the defense of his country.

As to articles manufactured or intended for export, and denied exportation, it is obvious that the same degree of care in ascertaining the identity of the owner and exhaustion of all other means of obtaining such property should not be required, since it was not intended for home consumption, title may have passed to an alien, or it may be in transitu at the time it is needed for military purposes. The act of October 10, 1940, authorizing the requisitioning and taking over of such property, is much less restrictive and exacting than the act of October 16, 1941. If the terms of the 1940 statute expire on June 30, 1942, as now provided, the requisitioning of property denied exportation could be accomplished only by complying with the exacting requirements of the 1941 statute, with resulting delays and difficulties. It is deemed important, therefore, that the powers conferred by the earlier statute should be preserved.

The War Department believes that extension of the provisions of sections 1 and 2 of the act of October 10, 1940, is necessary to the proper protection of the interests of the United States.

While the War Department is without means of estimating the fiscal effect of extending the statute in question, it is not believed that any unusual or large expense will result from enactment of the proposed legislation.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation for the consideration of the Congress.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

Senator THOMAS of Utah. We will hear from Colonel Patterson. For the record, Colonel, will you tell us who you are, in full, and what you are?

**STATEMENT OF LT. COL. EARL S. PATTERSON, LEGAL BRANCH,
PROCUREMENT AND DISTRIBUTION DIVISION, HEADQUARTERS,
SERVICES OF SUPPLY**

Colonel PATTERSON. My name, rank, and assignment are: Earl S. Patterson, lieutenant colonel, Legal Branch, Procurement and Distribution Division, Headquarters, Services of Supply. I have been in charge of the requisitioning of property within the War Department since the passage of Public, No. 829, Seventy-sixth Congress, in October 1940, which is the bill sought to be amended at this time by the provisions of S. 2586. That bill has been administered for the Army first through the Army and Navy Munitions Board and then through the office of the Under Secretary of War, and more recently in the Division of Procurement and Distribution, Headquarters, Services of Supply.

Senator THOMAS of Utah. What is that act, Colonel, in just a word?

Colonel PATTERSON. Public, No. 829 provides that property which is procured, manufactured, or possessed for export purposes the exportation of which has been prohibited or curtailed, by order of the President, may be requisitioned and taken over for use in connection with the preparation of military and naval equipment or supplies, or equipment incident to, or necessary for, the manufacture of such military or naval equipment.

Senator THOMAS of Utah. Did this law come into effect after the embargo law was passed?

Colonel PATTERSON. Yes, sir. The embargo law was passed on July 2, 1940, and this law was passed on October 10, 1940.

The Bureau of the Budget authorized submission to the Congress of the proposed legislation embodied in S. 2586, the bill now under

consideration. Upon further consideration, the War Department feels that S. 2586 in its present form is not satisfactory, and that it should be further amended, and has drafted a proposed substitute for such a bill, which I desire to submit to the committee. Time has not permitted us to obtain the views of the Bureau of the Budget on this proposal, and its submission to the committee is not to be considered as any commitment concerning its relationship to the program of the President.

The bill which the War Department suggests as an amendment to S. 2586 reads as follows:

A BILL To amend sections 1 and 3 of the Act entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940 (54 Stat. 1090), to continue the Act in effect during the existing war, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 1 of the Act entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940 (54 Stat. 1090), is hereby amended to read as follows:

"That whenever the President determines that it is necessary in the interest of national defense"—

and these are new words—

"or prosecute the war"—

"to requisition and take over for the use or operation by the United States, or in its interest, any military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, ordered, manufactured, procured, or possessed for export purposes, the exportation of which has been prohibited or curtailed"—

Senator SCHWARTZ. "Prohibited"?

Colonel PATTERSON. "Prohibited or curtailed."

Senator SCHWARTZ. The word "denied" is struck out?

Colonel PATTERSON. Yes. The words "prohibited or curtailed" are used in lieu of the word "denied." The language in Public, 703 is "prohibited or curtailed", so we are following the language of that act, and it is proposed to amend that.

Senator SCHWARTZ. All right.

Colonel PATTERSON (continuing reading of proposed bill):

"in accordance with the provisions of section 6 of the Act approved July 2, 1940 (Public, Numbered 703, Seventy-sixth Congress; 54 Stat. 714), as heretofore or hereafter amended, or any other law,"—

that wording "as heretofore or hereafter amended, or any other law," is new, Senator—

"he is hereby authorized and empowered to requisition and take over for the said use or operation by the United States, or in its interest, any of the foregoing articles or materials, and to sell or otherwise dispose of any such articles or materials, or any portion thereof, to a person or corporation of the United States whenever he shall determine such action to be in the public interest."

Sec. 2. That section 3 of said Act of October 10, 1940—

Senator SCHWARTZ. All the rest of section 1 is stricken out?

Colonel PATTERSON. No, sir; it is not.

Senator THOMAS of Utah. "Any moneys received", from there to the end of the first section remains the same?

Colonel PATTERSON. Yes. [Reading:]

SEC. 2. That section 3 of said Act of October 10, 1940, is hereby amended to read as follows:

"SEC. 3. The authority granted in this Act shall remain in force during the continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate."

Now, the reason for the suggested amendment to the proposed bill, S. 2586, arises from the fact that the proposed amendment to paragraph 6, Public, 703, Seventy-sixth Congress, which is the bill curtailing and prohibiting exports, which has heretofore been favorably reported by this committee, is not a continuation of the provisions thereof as such, but is in fact a reenactment thereof in different form and content. It is believed, therefore, that the amendment to Public, 829, which we have just offered, which would continue it in force for the war, should specifically provide that said law should permit the requisitioning of the property prohibited and curtailed from export, not only in accordance with the provisions of section 6 of Public, 703, as enacted July 2, 1940, but also as the same shall be hereafter amended or changed or altered by other legislation.

The reason that motivated the suggestion is due to the fact that it was felt by the legislative section of our office that it is necessary in order that there be no question as to the effectiveness of Public, 829, as amended.

Senator THOMAS of Utah. Have you had any trouble to date?

Colonel PATTERSON. No, Senator. It is not to cure trouble which has occurred, but we felt that if Public, 703, is amended as proposed—and I am told that the continuation of that law in effect after July 1 has been reported favorably, that is, the amendment to continue it—

Senator THOMAS of Utah. It is on the calendar.

Colonel PATTERSON. Yes. That is a reenactment of the law. The provision amending that law does not, in effect, say that this law shall remain in force and effect after July 1, 1942. The amendment is, in effect, a new law prohibiting and curtailing exports in accordance with the proclamation of the President. Therefore, in order that this act which specifically refers to the old act covers this new amendment, we have suggested this change in the amendment.

Senator THOMAS of Utah. Will the new amendment affect the bill?

Colonel PATTERSON. It will not affect this bill, because, as the bill now reads, it would permit us to take over and requisition anything that could be curtailed or prohibited under the old act, as well as any amendment thereto, or any prohibition or curtailment by any other act. In other words, we have covered the three contingencies.

Senator THOMAS of Utah. In other words, you cannot do any more under the suggested new law than you have done?

Colonel PATTERSON. In other words, we cannot take by requisition anything which has not been prohibited or curtailed from export. Now, whether it is prohibited by the President under that act, or any other act, we can take it if so prohibited or curtailed, but otherwise not.

Senator HOLMAN. That is the point that I want to have made very clear, if I may request it, that is, the limits to these very broad

and despotic powers which may be necessary on account of the war, but I would like to have you point out on north, east, south, and west where this authority does stop. Will you please tell us that?

Colonel PATTERSON. Yes, sir. This law was originally passed to permit the Army and Navy to procure those matériels which had been ordered for export by foreign countries and which we needed in our war effort. At the time of the passage of the bill both Japan and Russia had ordered in this country a very large supply of materials, particularly equipment; thousands of machine tools.

Senator HOLMAN. Those exportations had been going on continuously up to a very recent date, had they not?

Colonel PATTERSON. That is true, sir; and from time to time, under the authority of this bill or of this law, we have requisitioned and taken over machinery which was originally ordered by foreign countries—Japan, Russia, and other of the European countries, which became involved in the war and were taken over by Germany.

Senator HOLMAN. Was that limited to machinery?

Colonel PATTERSON. No, sir.

Senator HOLMAN. Machinery and materials of all kinds, raw and processed?

Colonel PATTERSON. It is limited to military or naval equipment or munitions or machinery, equipment or supplies necessary and incident to the making of such military and naval equipment.

Senator HOLMAN. It does not include material like tin?

Colonel PATTERSON. Yes, sir; it includes materials.

Senator HOLMAN. Airplane beacons, and things of that kind?

Colonel PATTERSON. Yes, sir. The wording of the act is this [reading]:

military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof.

Senator HOLMAN. Under that wording, beef steer could be requisitioned.

Colonel PATTERSON. If its hide was to be used for Army saddles, I would say, "yes," sir.

Senator HOLMAN. Or its carcass for food.

Colonel PATTERSON. Yes, sir.

Senator HOLMAN. That is what I want to get at. I would like to have you tell us just how broad it is and to what limits it will go. I want to be sure I understand it.

Colonel PATTERSON. I might say, since the enactment of Public, 829 there has not been occasion to use it indiscriminately. I have here a record of the number of requisitions. Having in mind that the act was passed in October of 1940, almost 2 years ago, the record discloses that until the Executive order of the President, No. 8942, of November 19, 1941, which changed the procedure in requisitioning, the Office of Export Control, upon the authorization of the Army and Navy Munitions Board, had issued 289 requisitions, and most of those were for machine tools ordered in this country by foreign countries, principally Japan. We have also been compelled to take over some French, Belgian, and Dutch materials which were ordered and which could not be delivered because of the fact that those countries came under the domination of the enemy. Now, since November 19, 1941, the Board of

Economic Warfare has issued 28 requisitions, the Navy issued 43, and the Army 10. So you see, as far as the activity of the War and Navy Departments is concerned, it has not been large, and it has only been in those instances where we could not effectively, by reason of matters of title involved or refusal of the owners to sell, take the property, that we have been compelled to take the property by this method.

Senator HOLMAN. Now, may I put it in my own language, to see if I understand it? Any material or product, raw or processed, may be requisitioned on order of the President, if such material or product was in export trade. It is limited to the export trade?

Colonel PATTERSON. That is true.

Senator HOLMAN. It does not mean what is in use by the people or in the possession of the people throughout the length and breadth of the land, but the limit is, it must be in export trade, if I get the thought of it.

Colonel PATTERSON. That is correct, Senator.

Senator THOMAS of Utah. Are there any questions, Senator Schwartz?

Senator SCHWARTZ. No; nothing more.

Colonel PATTERSON. The necessity for the proposed legislation arises from the following facts:

A large quantity of frozen freight still lies in the seaboard cities of the country, undisposed of; 8,000 cars were in the Port of New York on January 1, 1942. Since that time 3,500 new cars have arrived and have not been transshipped. Of these, more than 1,000 have been moved into war production, and the rate of disposition is increasing, but at best will not exceed 50 cars a week. In a very large majority of cases it is possible to acquire the contents of these cars manufactured for foreign shipment by purchase. In numerous cases, however, it is impossible to make purchase. This occurs in some instances because of our inability to determine title, in other instances because those in control of the property do not desire to sell at the Government's offering price.

Senator HOLMAN. That means the cars are loaded and out of use for transport purposes and are really acting as warehouses on arrested freight.

Colonel PATTERSON. Yes; on demurrage, and clogging the shipping spaces in the ports of debarkation. A very serious problem has existed and still exists in that regard.

Senator THOMAS of Utah. What do those cargoes mostly consist of, do you know?

Colonel PATTERSON. My answer to that, Senator, would be practically everything that you can imagine. They are not property of a military character. They are all sorts of things that have been manufactured on old orders for export.

Senator THOMAS of Utah. Back how long?

Colonel PATTERSON. Well, those orders, I believe, run back over a period of years.

Senator THOMAS of Utah. They are cars that have been put to one side in New York, for example, and stored up over a year?

Colonel PATTERSON. Yes; they are cars that have been there for over a year. That is one of the War Production Board's problems at the present time. Of course, they use this act; the Navy uses this act.

We all have concurrent jurisdiction in taking property under the act at the present time by virtue of Executive order No. 8942 of the President that I mentioned, which was issued November 19, 1941.

Senator THOMAS of Utah. Well, if you immobilize material which we can use in the war effort, is not that working inconsistently with the aim of overcoming the enemy?

Colonel PATTERSON. We are not immobilizing it.

Senator THOMAS. But it is immobilized.

Colonel PATTERSON. Through the efforts of the War Production Board they have moved over 1,000 carloads of merchandise in the last 4 months.

Senator THOMAS of Utah. How many are still there?

Colonel PATTERSON. I would say there are still several thousand there. A strenuous effort is being made to dispose of that material.

Senator THOMAS of Utah. Does not that hold true also with Seattle, Portland, and San Francisco?

Colonel PATTERSON. To not such a great extent, sir, because the principal shipping points are New York and the eastern seaboard. I believe, although I am not authoritatively informed, that an effort is now being made to take all of this merchandise away from the seaboard and, even though it cannot be put into industry immediately, that the same will be stored in points away from the seaboard until such time as they can be taken into industry. There will be concentration points established by the War Production Board and the property taken over will be disposed of in due course.

Senator SCHWARTZ. To what extent have they made an inventory of available storage space in the country?

Colonel PATTERSON. They have gone into it very completely, Senator.

Senator SCHWARTZ. I know storage space has been talked of, 2 or 3 months ago. Have they forgotten about it now?

Colonel PATTERSON. No, sir. I am quite sure they are taking care of the problem as fast as they can, under the circumstances.

Senator SCHWARTZ. It seems to me they would get storage some place to take the stuff out of the cars and release the cars, because the country needs the cars.

Colonel PATTERSON. They are in process of doing that at this time, I am informed.

Senator THOMAS of Utah. Colonel, why haven't they acted more expeditiously? They have had the law; they have had the right. Is the stuff there not needed in our industry? Is that the reason they have moved it so slowly?

Colonel PATTERSON. It is of varying descriptions. Some of it can be used and some of it cannot. A great deal of it cannot be used; it has to be scrapped. You take steel, for instance, practically all of the steel that is on the docks for export—and it consists of thousands of tons—was made under metric measurements, as a result of which it cannot be used in American industry. It must be scrapped or refabricated. That has been a very, very great problem in connection with the disposition of this material.

Senator SCHWARTZ. Well, it can be rerolled or resmelted.

Colonel PATTERSON. Yes.

Senator THOMAS of Utah. Are there copper goods there, do you know?

Colonel PATTERSON. I have a statement, which was given me in this connection by Mr. Crawford, of the Inventory and Requisitioning Branch of the War Production Board, which I will be glad to read to the committee. I cannot elaborate on it to any great extent. [Reading:]

In 1941 there were about 8,000 cars of frozen freight in the port of New York and, since January 1942, 3,500 additional cars have arrived and will be in the port of New York for over 30 days. Investigation of this latter 3,500 cars shows that 90 percent of them are cargoes which are waiting shipping space, either sea-borne or land-borne shipping space, to other destinations or markets. Of the original 8,000 in 1941, 1,000 cars have been moved into war-production channels and these cars are moving at the rate of 30 a week, and it is anticipated that the rate will be increased to over 50 a week in the next 2 months. A total of 131 requisitioning actions have been initiated from December 6, 1941, to June 6, 1942. Voluntary sales during the same period included 13,238 tons of steel, 2,289,000 pounds of copper and brass, 449,000 pounds of lead, 1,136 tons of tin, 785,107 pounds of wood and pulp, 1,419 bales of sisal, 1,335 bales of kapok, 1,000 tons of miscellaneous iron and steel scrap, 1,211 trucks and cars, 616 motors, 81 lots of machinery, zinc, woolens, and hundreds of other miscellaneous materials.

Senator HOLMAN. Those are all in for export?

Colonel PATTERSON. Those have been moved by voluntary sale after they had reached the port.

Senator HOLMAN. They were to go out of our country to other places?

Colonel PATTERSON. That is true, sir.

Senator HOLMAN. Those exports have been accumulated there since when?

Colonel PATTERSON. Those were accumulated on January 1, 1941, just at the outbreak of the war.

Senator HOLMAN. When did the accumulation begin?

Senator THOMAS of Utah. When this act went into effect, I assume.

Colonel PATTERSON. The greatest accumulation occurred, Senator immediately after Germany took Belgium and Holland, and the European countries. These various articles were all ordered for those countries. They were en route and, of course, could not be shipped without authority.

Senator HOLMAN. Some of those items were not produced in this country. Sisal, for instance, comes from the Philippines, and such places as that.

Colonel PATTERSON. They undoubtedly came through for transshipment by way of the west coast.

Senator SCHWARTZ. Well, they were accumulated before we got into the war, practically all of them; were they not?

Colonel PATTERSON. Yes, sir.

Senator SCHWARTZ. A large amount of it was for shipment to the democracies that have since been folded up there by Hitler?

Colonel PATTERSON. That is true; yes, sir.

Senator HOLMAN. That is the point.

Colonel PATTERSON. To proceed further with Mr. Crawford's statement—there is one more paragraph, I think, that is interesting [reading]:

Under the salvage program 31,057,993 pounds of aluminum have been reported; 21,899,447 pounds have been offered for sale to the Government at the Government's price, 9,158,486 pounds were refused to be sold to the Government at

their price, and 7,741,698 pounds have been reallocated by the aluminum branch. Under the tin white metal salvage program, 1,115,435 pounds have been received by the National Lead Co. Additional productions are now in operation covering nickel, magnesium, britannia, copper, and brass.

So I believe it is evident from this very brief statement that the War Production Board are really after this stuff and getting it out into industry. Of course, in that connection, they will need this act—Public, 829—after July 1, because when they run across those cases in which they cannot buy, they will have to utilize the act and requisition the property and pay just compensation for it.

In closing, let me say that I can assure the committee that, in the opinion of the War Department, it would be of great advantage to the war effort to reenact this law—Public, 829—through the amendment which we propose.

Senator HOLMAN. There are two objectives to be gained: one is to possess, for the use of our own Government in its war effort, needed materials of all kinds; and the other is to relieve the accumulation of innumerable railroad cars for the transportation of the country.

Colonel PATTERSON. The congestion at the ports.

Senator SCHWARTZ. Does the War Department now have an inventory of everything that is stored in the cars at New York?

Colonel PATTERSON. I believe the Army and Navy Munitions Board has a complete record of that, sir—the Commodities Section of the Army and Navy Munitions Board—and, in addition to that, the War Production Board has such inventory, and they are working in conjunction with one another in regard to it.

Senator SCHWARTZ. Well, if they want to take over some stuff there, how long does it ordinarily take them to do it? How long do they negotiate with the other fellow to see if they can agree on the price? How long does it take to move the machinery around?

Colonel PATTERSON. One of the purposes of this act was speed, and we have acted with considerable speed in the past, where it was necessary. As a matter of routine, we can process the requisition through the War Production Board for approval as to priorities and allocation, get it back for the signature of the Under Secretary of War, and into the field in about 12 hours.

Senator SCHWARTZ. That would be marvelous, if we could ever do that. You cannot get a pin down here in Washington, nor in the West, anything made of metal; we certainly cannot get it there. We cannot get welding rods that we have got to have if a piece of farm machinery breaks up. They bring it into the machine shop out West to get it welded or soldered, or electric-welded. You come down here to Washington and they say, "Well, we have got to win this war. We need all this stuff for the war." Well, and you see on the sea-boards they have stuff stacked up. Why don't they get hold of some of it and get some action? You know if a man is running his combine and getting his wheat in, and the combine breaks down, this is the procedure now: He comes to town, comes to the machine shop, say, at Sheridan, Wyo., to get it welded. He comes in and says, "I am shut down, I have the crew working there but I have got to get this welded." Well, they will give him an extremely long form and tell him to fill it out, and then the man that runs the machine

shop has to send it down to Denver, and down at Denver a man gets hold of it and handles it awhile and then he sends it down to Pittsburgh, or some place, to see if he can get it. After a while, after the farmer's crew is gone and the wheat lost, maybe in 3 or 4 months, they tell him he can have the machinery or he can have the welding rods.

We have schools all over the West where they are teaching boys to do welding; Government schools. We are supposed to need those lads. They cannot get the material there; they are just sitting there.

I am just talking about the machinery I have been through and the steps that have been taken here and there, come down there and go back or go down there and come back, that is what they tell us. Of course, I understand that is not your jurisdiction.

Colonel PATTERSON. My only observation on that, Senator, would be that not all the red tape apparently is in the War Department.

Senator SCHWARTZ. I did not say it is.

Senator HOLMAN. We must find some way of getting more expeditious action in these things. I could apply it to mining, to chrome, and such things that we need so much, just as much as we need wheat and food products to feed our people. We will not win this war if we do not get the foods, fibers, and minerals necessary to conduct the war.

Senator THOMAS of Utah. May I ask, Colonel, before you leave, just how important is the changing of the old law? How well could you get along with this amendment? That is the question we will be asked, because the legislative process sometimes is a little bit difficult.

Colonel PATTERSON. I think it is quite necessary, Senator, that we have the amendment, particularly in view of the present form of the amendment of Public, 703; and the War Department would like very much to see it passed in that way.

Senator THOMAS of Utah. If we pass the amendment to 703, just simply a continuing amendment without any change at all, probably the simplest way to handle both these bills is to merely extend them for another 2 years.

Colonel PATTERSON. I do not believe that that would satisfy the requirements of the Board of Economic Warfare, as I understand it.

Senator THOMAS of Utah. In other words, you have got a situation set up by Executive order that fits clumsily into the national law as it exists; is that right?

Colonel PATTERSON. I cannot answer that question, not knowing just what the position of the Board of Economic Warfare was before the committee in regard to the necessity for the phraseology which was adopted in connection with the amendment.

Senator THOMAS of Utah. We did not have any Board of Economic Warfare when these bills were passed, we had no theories about winning a war that we were not in by economic control of exports, by using the exports which we stopped for our national-defense purposes and which purposes were consistent with lend-lease and the rest of it.

Colonel PATTERSON. I think I can properly assume that there was very good reason in back of the suggestion of the Board of Economic Warfare, in connection with the language used when they proposed

the amendment to extend the terms of Public, 703. As long as that has been favorably reported, and is now on the calendar for consideration, it was felt necessary and expedient to prepare this amendment so there would be no question as to Public, 829 being in force as to any law which might prohibit or curtail exports.

Senator THOMAS of Utah. Has the Board of Economic Warfare seen your amendment?

Colonel PATTERSON. They have not seen it, sir; but I read it to their chief counsel over the phone yesterday and received his approval of it. In fact, I can say this to you, that it was brought to the attention of the War Department first by the Board of Economic Warfare, because they were fearful that the amendment which was proposed in S. 2586 was not sufficient, in their view, as an amendment of Public, 703.

Senator THOMAS of Utah. Unless there are any further questions, we thank you, Colonel.

That concludes the hearing on S. 2586.

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and has reported the bill favorably. I ask that it be now considered and passed.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill (S. 2319) to provide for the appointment of a district judge for the northern district of California in order to fill a vacancy in the office of an additional district judge heretofore authorized for such district was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President is authorized to appoint, by and with the advice and consent of the Senate, a district judge for the District Court of the United States for the Northern District of California in order to fill the vacancy in the office of the district judge appointed for such district under authority of the act of March 3, 1927, and, by and with the advice and consent of the Senate, to fill any subsequent vacancy in such office.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BROWN:

From the Committee on Claims:
H. R. 4242. A bill for the relief of the Corbett Co.; without amendment (Rept. No. 1495).

From the Committee on Commerce:

H. R. 4314. A bill authorizing the States of Minnesota and Wisconsin, jointly or separately, to acquire bridges now existing or to construct, maintain, and operate a free highway bridge across the St. Croix River, also known as Lake St. Croix, at or near Hudson, Wis.; without amendment (Rept. No. 1500); and

H. J. Res. 294. Joint resolution instructing the Secretary of War to henceforth designate the new lock in the St. Marys River at Sault Sainte Marie, Mich., as the "General MacArthur lock"; with amendments (Rept. No. 1501).

By Mr. STEWART, from the Committee on Immigration:

S. 2293. A bill to provide for taking into custody certain persons who are citizens or subjects of, or owe allegiance to, any nation or country with which the United States is at war; with amendments (Rept. No. 1496).

By Mrs. CARAWAY, from the Committee on Commerce:

H. R. 2989. A bill to authorize the use of a tract of land in California known as the Millerton Rancheria in connection with the Central Valley project, and for other purposes; without amendment (Rept. No. 1497).

By Mr. THOMAS of Utah, from the Committee on Military Affairs:

S. 2586. A bill to amend section 3 of the act entitled "An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940 (54 Stat. 1090), to continue it in force during the existing war; with amendments (Rept. No. 1499).

ORDER OF BUSINESS

Mr. TRUMAN. Mr. President, I wish to make a short interim report on the conversion situation from the special committee of which I am chairman. It will take but a few moments.

Mr. McNARY. Mr. President, I do not wish to interrupt the Senator, but has the routine morning business been concluded?

The VICE PRESIDENT. Reports of committees are in order, and the Chair assumes the Senator from Missouri is about to make a report from the committee of which he is chairman. The

Senator from Missouri has no right to debate the report except by unanimous consent.

Mr. McNARY. I have insisted that the rule be enforced, that the routine morning business be concluded without interruption.

Mr. TRUMAN. I do not wish to make the report out of order.

Mr. McNARY. The Senator from Missouri is in order in submitting the report, but the Senator could submit the report as well after we conclude the routine morning business.

MONOGRAPH DESIGNED TO FURNISH A BASIS FOR LEGISLATIVE ACTION WITH REFERENCE TO THE FUTURE OF THE CIVILIAN CONSERVATION CORPS (S. DOC. NO. 216)

Mr. HAYDEN, from the Committee on Printing, reported a resolution, Senate Resolution 265, which was considered by unanimous consent and agreed to, as follows:

Resolved, That the letter from the Director of the Legislative Reference Service, Library of Congress, transmitting to the Honorable ELBERT D. THOMAS, of Utah, chairman of the Senate Committee on Education and Labor, a monograph designed to furnish to the Congress a basis for legislative action with reference to the future of the Civilian Conservation Corps, be printed as a Senate document.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills and joint resolution:

On June 16, 1942:

S. 2025. An act to readjust the pay and allowances of personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service;

S. 2285. An act to provide for the retirement, with advanced rank, of certain officers of the Navy;

S. 2427. An act to amend the act relating to preventing the publication of inventions in the national interest, and for other purposes;

S. 2496. An act to authorize the construction or acquisition of additional naval aircraft, and for other purposes; and

S. J. Res. 130. Joint resolution to extend certain emergency laws relating to the merchant marine, and for other purposes.

On June 17, 1942:

S. 1587. An act to provide rental allowances for officers without dependents on sea duty when deprived of quarters on board ship;

S. 2066. An act to make permanently effective the act regulating interstate and foreign commerce in petroleum and its products;

S. 2286. An act to authorize inclusion of service on active duty as service on the active list in computation of service of commissioned warrant officers in the Navy for pay purposes; and

S. 2309. An act for the relief of the First National Bank of Huntsville, Tex., and the Canton Exchange Bank of Canton, Miss., and the First National Bank of Canton, Miss.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McFARLAND (for himself, Mr. HATCH, Mr. JOHNSON of Colorado, Mr. HAYDEN, Mr. MURDOCK, Mr. MURRAY, Mr. SCHWARTZ, Mr. THOMAS of Utah, Mr. CLARK of Idaho, Mr. McCARRAN, and Mr. HOLMAN):

S. 2599. A bill authorizing the Secretary of War to compensate holders of grazing per-

mits and licenses for losses sustained by reason of use of the public lands for war purposes; to the Committee on Public Lands and Surveys.

Mr. GILLETTE. Mr. President, by direction of a subcommittee of the Committee on Agriculture and Forestry I introduce a bill for appropriate reference, with the co-sponsorship and by direction of the membership of the committee.

The VICE PRESIDENT. The bill will be received and appropriately referred.

By Mr. GILLETTE (for himself, Mr. WHEELER, Mr. THOMAS of Oklahoma, Mr. McNARY, and Mr. NORRIS):

S. 2600. A bill to expedite the prosecution of the war by making provision for an increased supply of rubber manufactured from alcohol produced from agricultural or forest products; to the Committee on Agriculture and Forestry.

(Mr. THOMAS of Oklahoma introduced Senate bill 2601, which was referred to the Committee on Agriculture and Forestry, and appears under a separate heading.)

By Mr. CLARK of Missouri:

S. 2602. A bill to amend the Canal Zone Code; to the Committee on Inter-oceanic Canals.

By Mr. LANGER:

S. 2603. A bill to provide for payment by the United States of certain delinquent lease rentals upon lands in the Standing Rock Indian Reservation; to the Committee on Indian Affairs.

By Mr. NORRIS:

S. 2604. A bill granting the consent of Congress to the States of Colorado, Kansas, and Nebraska to negotiate and enter into a compact for the division of the waters of the Republican River; to the Committee on Irrigation and Reclamation.

By Mr. THOMAS of Utah:

S. 2605. A bill to authorize temporary appointments in the Army of the United States of officers on duty with the Medical Administrative Corps; and

S. 2606. A bill to amend the Selective Training and Service Act of 1940 by making it a criminal offense to possess unlawfully or to reproduce various certificates issued pursuant thereto; to the Committee on Military Affairs.

(Mr. STEWART introduced Senate bill 2607, which was referred to the Committee on Military Affairs and appears under a separate heading.)

By Mr. BROWN:

S. 2608. A bill for the relief of Dennis Hall; to the Committee on Claims.

By Mr. CHANDLER:

S. 2609. A bill for the relief of Mrs. Steve York; to the Committee on Claims.

By Mr. ELLENDER:

S. 2610. A bill for the relief of Richard Barker; to the Committee on Claims.

PROHIBITION OF DISTRIBUTION OF CERTAIN INFORMATION WITH RESPECT TO AGRICULTURAL COMMODITIES

Mr. THOMAS of Oklahoma. Mr. President, I introduce a bill for appropriate reference. I ask that the bill be printed in the RECORD, and that immediately following it there be printed as a part of my remarks a statement and two telegrams explanatory of the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill (S. 2601) prohibiting the distribution of certain information with respect to agricultural commodities, was read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the Congress hereby finds and declares that undue and excessive fluctuations in the prices of agricultural commodities tend to hinder and impede the effective prosecution of the war.

SEC. 2. During the present wars in which the United States is engaged, it shall be hereafter unlawful for any private individual, corporation, organization, or association to distribute to the public, or to a selected group or groups of persons, through the mails, or by telephone, telegraph, radio or other means of communication, any information with respect to the price or the price trend of any agricultural commodity with the intent that such information shall be acted upon for the purpose of maintaining or altering the price or the price trend, upward or downward, of any such commodity, or with the intent that the market or the market trend for such commodity shall be affected.

SEC. 3. Whoever knowingly violates any provision of this act shall, upon conviction thereof, be fined not more than \$, or imprisoned not more than years, or both. If the violation is by a corporation, organization, or association, each officer or director thereof who knowingly participates in such violation shall be liable to the penalty herein prescribed.

The statement and telegrams presented by Mr. THOMAS of Oklahoma in connection with the bill are as follows:

Our people are in an all-out war in practically every part of the world. To win the war we must have all-out production of food, fiber, special war equipment, and trained men to use such supplies for war.

Secretary Wickard says, "Food will win the war and write the peace." Again the Secretary says, "Double your production. Stock your silos with corn. Grow us food—to eat, to store, to send abroad."

To secure the necessary food and clothing farmers must produce to the limits of capacity; however, because of a shortage of farm labor and increased costs of farm supplies, many farmers are complaining that they are being discriminated against in that the prices of their products are being kept below parity with wages and the products of industry.

To date, the prices of but few farm products have reached parity and the farmers are alleging that there is a well-organized effort to depress and keep their prices down—in some instances far below parity.

For 10 years it has been the policy of the Government to increase farm prices to full parity with wages and industry. As a war measure the Congress enacted legislation providing for the fixing of ceilings on all commodities and products but exempted salaries and wages.

Now complaints are general that this price-control law is being disregarded, if not violated. One complaint is as follows:

Congress by law has forbidden the Price Administrator to place a ceiling on the price of raw cotton below 21.47 for middling seven-eighths-inch staple at the farm, yet for months the Price Administrator has had a ceiling on the products of raw cotton (cotton yarn and cotton goods) tied to the price of raw cotton far below the limitation fixed by the Congress. From the time this ceiling was placed on the products of raw cotton, the ceiling of such products could not be raised until raw cotton itself had advanced 45 points of multiples thereof. The Price Administrator has now gone even further for he has now untied the ceiling on the products of raw cotton from raw cotton itself by fixing a ceiling on the products based on raw cotton at 20.37 for middling fifteen-sixteenths inch at the 10 designated markets, and which is the equivalent of not more than

19 cents for middling seven-eighths inch at the farm, or some \$12.50 per bale below the limit fixed by Congress.

Another charge is that the Price Administration has ordered the abrogation of bona fide contracts consummated between the United States Government itself and the processors of raw cotton before the fixing of the present ceiling if the basis of the processor's price was above the equivalent of 20.37 for middling fifteen-sixteenths inch at the 10 designated markets, or approximately 19 cents for middling seven-eighths inch at the farm.

With respect to cotton the public is advised that present prices are abnormally high. Cotton futures are selling below 18 cents per pound and on the farm the price is not nearly that figure. The Bureau of Agricultural Economics has released figures to show that when cotton sells for 18 cents per pound, the farmer-producer receives approximately that amount per hour for his work of production. At 18 cents per hour the cotton worker makes some \$1.80 for 10 hours hard work in the outdoor heat of summer.

The President has designated the cotton South as "The Nation's No. 1 Economic Problem" and the direct cause of such problem is the low price of cotton.

Another complaint filed with the committee is the charge that there is a well-financed organization created for the special purpose of working cooperatively to influence farm market prices. This complaint is lodged against the International Market Forecast Bureau, with advertised telegraphic offices at 15 Moore Street, New York, and with a mail office at Post Office Box 182, Wall Street Station, New York. On May 27, 1942, this bureau sent out notices as follows:

"OCTOBER COTTON WILL SELL BELOW 18 CENTS—
ADVICE TO COTTON MILLS

"We advise you to sell October cotton futures at the market and on all small rallies, keeping all short positions intact until October cotton sells below 18 cents. Then get in touch with us for additional advice."

At the time the notice and advice was sent out October futures were selling around 19.50 and immediately a short-selling wave started and did not end until the advertised objective had been reached. This organized bear raid upon cotton farm prices caused a decline of some \$10 per bale and a loss on the 10,000,000 bales in storage of some \$100,000,000. The estimated loss on the Government stocks of cotton alone amounted to almost one-half that amount.

At a time when we have a great and necessary public-spending program for war equipment; when the profits of industry are so great that they are under constant investigation; when the wage scale is the highest in history and with farmers being appealed to for production and for more production, and with their expenses mounting, they feel that they should be accorded at least the full protection of the law respecting prices. All they ask is that their prices be placed on a basis of parity with industry and they will not be satisfied with less.

They know that both industry and labor are represented in high and in key positions in the Government and having no such representation themselves, they are depending upon their Representatives in the Congress to protect their interests.

Another general complaint has come to the committee with respect to the purchase by the United States of some 200,000 bales of Peruvian cotton. At a time when farmers are being urged to reduce their cotton acreage and, in sections where grain crops have been destroyed and farmers have appealed for permission to plant cotton and have been denied, they fail to understand why it is in the public interest to be purchasing foreign cotton.

The information and data being assembled will be used as a basis for the submission of additional corrective and protective legislation.

MEMPHIS, TENN., June 17, 1942.
Senator ELMER THOMAS,
United States Senator,
Washington, D. C.:

Regarding recent cotton price decline one of our members from Missouri telephoned us June 4 they had been advised by W. E. Richmond & Co., future brokers, of Memphis, that market would decline to 17.75, and market went there on the 6th. Personal regards.

CHARLES G. HENRY, Manager,
Midsouth Cotton Growers Association.

NEW YORK, N. Y., June 16, 1942.
Senator ELMER THOMAS of Oklahoma:

I have just read your statement pertaining to a New York forecast company causing a raid on the cotton market. In the first place, I have not one subscriber in New York City. This information was first sent only to southern mills buyers and merchants and planters. The decision to take a bearish stand on cotton was prompted solely by the fact that of the Henderson and Mr. Roosevelt's anti-inflation program placing a ceiling on various types of cotton goods. I have no connection directly, indirectly, and/or otherwise with any professional cotton traders or cotton brokers, and as my sole small income I derive out of this business comes chiefly from the southern farmers and southern merchants and mills, this information was first sent to them by air mail and telegrams before it was sent by plain mail to others in the South. The cotton market has at all times a major trend, and my forecasting would have very little effect on prices one way or the other. In fact, the \$500,000,000 Hoover revolving fund in 1930 did not prevent cotton prices from going to their lowest point in history. If you desire any further information, I will be only too glad to serve you.

E. L. MCGUIGAN,
International Market Forecast Bureau.

MILITARY AND NAVAL AVIATION ACADEMIES

Mr. STEWART. Mr. President, I introduce a bill for the creation of a military aviation academy and a naval aviation academy, one to be under the direction and supervision of the Secretary of War and the other under the supervision of the Secretary of the Navy.

The military aviation academy would be divided into four different schools under one head, one to be located in the Southwest, one in that part of the Middle West between the Mississippi River and the Rocky Mountains, one in the Central South, and one in the eastern part of the United States.

The naval aviation academy would likewise be divided into four separate schools under one head—one to be located in the Middle West, somewhere in the Great Lakes area; another on the Pacific coast; one in the area of the Gulf of Mexico; and one on the Atlantic seaboard.

I believe that the creation of such schools, which would have for their purpose the training of aviation cadets, who, upon graduation, would become commissioned officers, would render to the Army and Navy a great service. In recent months it has become increasingly apparent that this war and perhaps future wars must be fought principally in the air. The increasing power of bombers

REQUISITION OF ARTICLES AND MATERIALS DURING
THE EXISTING WAR

JUNE 18, 1942.—Ordered to be printed

Mr. THOMAS of Utah, from the Committee on Military Affairs,
submitted the following

REPORT

[To accompany S. 2586]

The Committee on Military Affairs, to whom was referred the bill (S. 2586) to amend section 3 of the Act entitled "An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940 (54 Stat. 1090), to continue it in force during the existing war, having considered the same, report favorably thereon with an amendment, and recommend that the bill, as amended, do pass.

STATUTES AFFECTED

By section 6 of the act of July 2, 1940 (54 Stat. 712), the President is empowered, whenever he determines that it is necessary in the interest of national defense, to prohibit or curtail the exportation of any military equipment, or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, to issue a proclamation prohibiting, curtailing, or regulating such exportation. The last sentence of section 6 provides that the authority therein granted shall terminate June 30, 1942, unless the Congress shall otherwise provide.

The act of October 10, 1940, provides in substance that whenever the President shall determine that it is necessary in the interest of national defense to requisition and take over for use or operation by the United States or in its interest any of the articles, materials, or equipment described in section 6 of the act of July 2, 1940, the exportation of which has been denied in accordance with that section, he is authorized to requisition or take over such property and to sell or otherwise dispose of any such articles or materials or any portion thereof, whenever he shall determine such action to be in the public interest.

By section 3 of the act of October 10, 1940, the authority granted by that act is made to terminate June 30, 1942, unless the Congress shall otherwise provide.

The general requisitioning statute of October 16, 1941 (55 Stat. 742), requires that before requisitioning property for use in the national defense, the President must determine (1) that its use is needed for the defense of the United States; (2) such need is immediate and impending and will not admit of delay or resort to any other source of supply; and (3) all other means of obtaining the use of such property upon fair and reasonable terms have been exhausted.

NECESSITY FOR EXTENDING ACT OF OCTOBER 10, 1940

The act of October 16, 1941, which authorizes the requisitioning and taking over of property belonging to citizens of the United States provides every reasonable safeguard for the protection of private rights, and authorizes the taking of such property only under the circumstances and after the determinations and on the conditions therein specified. As to property intended for export, which frequently belongs to aliens, no such restrictions and safeguards are necessary, since protection of the interests of the United States, as distinguished from the rights and interests of the private citizen, is the principal concern.

Before requisitioning and taking over the property of the citizen, the public need therefor must be determined. The identity of the owner or his authorized representative must be ascertained, and all other means of obtaining the property upon fair and reasonable terms must be exhausted. The citizen thus is assured that he will not be compelled to give up his property unless it is urgently needed for the defense of his country. As to articles ordered, manufactured, procured, or possessed for export, the exportation of which has been prohibited or curtailed, the same degree of care in ascertaining identity of the owner, and exhaustion of all means other than requisitioning for obtaining the property is not and should not be required. Title to property manufactured for export may have passed to aliens, or such property may be in transitu when needed for defense purposes. For those reasons, the act of October 10, 1940, authorizing the requisitioning of such property, is much less restrictive and exacting than the act of October 16, 1941. If the terms of the 1940 statute expire on June 30, 1942, as now provided, the requisitioning of property originally produced or possessed for but denied exportation could be accomplished only by complying with the exacting requirements and meeting the conditions specified in the 1941 statute with resulting delays and difficulties. Such delays and difficulties may embarrass and seriously hinder the successful prosecution of the war effort.

AMENDMENTS PROPOSED

Although S. 2586, as introduced, was prepared by the War Department, representatives of that Department appeared before the committee, recommended amendment of the bill, and explained the necessity therefor. It was pointed out that, as introduced, S. 2586 provides for the extension of the provisions of the act of October 10, 1940, only, without providing for extension or other continuance in

effect of the embargo provisions of section 6 of the act of July 2, 1940, it then being understood that the Board of Economic Warfare would prepare and submit a draft of legislation for extending or continuing in effect the provisions of section 6 of the act of July 2, 1940. That Board prepared a draft of bill which was introduced as S. 2558, which has been favorably reported by this committee, and is now on the Calendar. By that measure, however, it is proposed to amend section 6 of the act of July 2, 1940, to provide that the President may prohibit or curtail the exportation of any articles, technical data, materials, or supplies, except under such rules and regulations as he shall prescribe. It is felt, therefore, that as to property ordered, manufactured, procured, or possessed for export purposes, the exportation of which has been prohibited or curtailed in accordance with the provisions of section 6 of the act of July 2, 1940, which is not requisitioned and taken over on or before June 30, 1942, there may be some serious question as to the method of procedure or the right to requisition, if the embargo provisions of section 6 are allowed to expire and no provision is made for continuing them in effect or for preserving the existing situation as to such property.

It was reported to the committee that some 8,000 carloads of various materials which had been ordered by or for countries since subjugated and occupied by German forces were denied exportation at the port of New York alone, most of which are now congesting railroad yards and warehouses in that city. Negotiations have been and now are being conducted for the purpose of acquiring such of this material by bargain and sale as can be used in the war effort and its removal and distribution as rapidly as possible, thus releasing railroad rolling stock for use elsewhere, as well as relieving the congestion in freight yards and warehouses. However, it is possible to move this material only at about the rate of 50 carloads a week. Considerable accumulation will still be on hand not only in New York but in other ports when the terms of the existing statutes expire. In many instances acquisition of such property by bargain and sale has been impossible and resort to requisitioning frequently has been necessary. It is desired to preserve intact the right to requisition such property as it now exists.

Accordingly, your committee recommend amendment of S. 2586 by changing the title, striking out all after the enacting clause, and inserting in lieu thereof provisions changing the first sentence of section 1 of the act of October 10, 1940, and amending section 3 of that act so that, as amended, the bill will read as follows:

To amend sections 1 and 3 of the Act entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940 (54 Stat. 1090), to continue the Act in effect during the existing war, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 1 of the Act entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940 (54 Stat. 1090), is hereby amended to read as follows:

"That whenever the President determines that it is necessary in the interest of national defense or prosecution of war to requisition and take over for the use or operation by the United States or in its interest any military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, ordered, manufactured, procured, or possessed for export purposes, the exportation of which has been ~~denied~~ prohibited or curtailed in accordance with the provisions of section 6 of

the Act approved July 2, 1940 (Public, Numbered 703, Seventy-sixth Congress; 54 Stat. 714), as heretofore or hereafter amended, or any other law, he is hereby authorized and empowered to requisition and take over for the said use or operation by the United States, or in its interest, any of the foregoing articles or materials and to sell or otherwise dispose of any such articles or materials, or any portion thereof, to a person or a corporation of the United States whenever he shall determine such action to be in the public interest."

SEC. 2. That section 3 of said Act of October 10, 1940, is hereby amended to read as follows:

"SEC. 3. The authority granted in this Act shall remain in force during the continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate."

EFFECT OF THE LEGISLATION AS AMENDED

It is believed that if the bill, as amended, is enacted, it will preserve, by the use of the terms "heretofore or hereafter amended, or any other law," the right to requisition property, the exportation of which has been prohibited or curtailed in accordance with section 6 of the act of July 2, 1940, as already amended by the act of May 28, 1941 (Public Law 75, 77th Cong.), or as it may be amended by enactment of S. 2558, or any property denied exportation under any other law that may be passed authorizing such action.

The committee recommends that the bill, as amended, be passed as soon as possible, since only a few days remain before expiration of the statutes affected.

The War Department letter of June 3, 1942, follows:

WAR DEPARTMENT,
Washington, June 3, 1942.

HON. ROBERT R. REYNOLDS,
*Chairman, Committee on Military Affairs,
United States Senate.*

DEAR SENATOR REYNOLDS: There is enclosed a draft of a bill "To amend section 3 of the act entitled 'An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes,' approved October 10, 1940 (54 Stat. 1090), to continue it in force during the existing war," which the War Department recommends be enacted into law.

The purpose of the proposed legislation is to continue in effect during the present war the provisions of sections 1 and 2 of the act of October 10, 1940 (54 Stat. 1090, Public, 829, 76th Cong.).

Section 1 authorizes the President, whenever he deems it necessary in the interest of national defense, to requisition and take over for the use of or operation by the United States, and to sell or otherwise dispose of, any military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or any supplies necessary for the manufacturing, servicing, or operation thereof, which have been ordered, manufactured, procured, or processed for export purposes, the exportation of which has been denied in accordance with the provisions of section 6 of the act of July 2, 1940 (54 Stat. 712).

Section 2 provides that whenever the President shall requisition and take over any article or material pursuant to the provisions of section 1, the owner shall be paid such compensation therefor as the President shall determine to be fair and just, but if the owner is unwilling to accept the sum so determined, he shall be paid 50 percent thereof, and shall be entitled to sue the United States for such additional sum as he considers fair and just compensation for the property requisitioned, in the manner provided by section 41 (20) and 250, title 28, of the United States Code, his recovery to be confined to the fair market value of the property, without any allowance for prospective profits or punitive or other damages.

Section 3 provides that the authority granted by sections 1 and 2 shall terminate June 30, 1942, unless the Congress shall otherwise provide. Amendment of section 3 in the manner proposed would continue the provisions of sections 1

and 2 in effect during the present war and for 6 months after termination thereof, or until such earlier time as the Congress or the President might designate.

The act of October 16, 1941 (55 Stat. 742, Public Law 274, 77th Cong.), as amended by section 602, title VI, of the Second War Powers Act of 1942, approved March 27, 1942 (Public Law 507, 77th Cong.), authorizes the President to requisition, take over, and dispose of, during the national emergency declared by him on May 27, 1941, but not later than June 30, 1943, upon payment of fair and just compensation, any military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for manufacturing, servicing, or operating such equipment, supplies, or munitions, whenever he determines, (1) that their use or operation is needed for the defense of the United States; (2) such need is immediate and impending and will not admit of delay or resort to any other source of supply, and (3) all other means of obtaining the use of such property for the defense of the United States, upon fair and reasonable terms, have been exhausted.

The act also provides that the President shall determine the amount of fair and just compensation to be paid for any property requisitioned and taken over, and that if the person entitled to receive such compensation is unwilling to accept the amount determined by the President, he shall be paid 50 percent of such amount, and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided by sections 24 (20) and 145 of the Judicial Code (28 U. S. C. 41 (20) and 250) for such additional amount as he considers will afford him fair and just compensation.

In enacting the act of October 16, 1941, authorizing the requisitioning and taking over of property of citizens of the United States, the Congress was careful to provide every reasonable safeguard for the protection of private rights, and authorized the taking of private property of citizens only under the circumstances and on the conditions specified. As to property intended for export, which frequently belongs to aliens, no such restrictions and safeguards are necessary, since protection of the interests of the United States, as distinguished from the interests of the property owner, is the principal concern.

Before requisitioning the property of a citizen under the act of October 16, 1941, the public need therefor must be determined in the manner therein specified, the identity of the owner or his duly authorized agent must be ascertained, and all other means of obtaining the property upon fair and reasonable terms must be exhausted. The citizen is thus assured that he will not be compelled to give up his property unless it is urgently needed for the defense of his country.

As to articles manufactured or intended for export, and denied exportation, it is obvious that the same degree of care in ascertaining the identity of the owner and exhaustion of all other means of obtaining such property should not be required, since it was not intended for home consumption, title may have passed to an alien, or it may be in transitu at the time it is needed for military purposes. The act of October 10, 1940, authorizing the requisitioning and taking over of such property, is much less restrictive and exacting than the act of October 16, 1941. If the terms of the 1940 statute expire on June 30, 1942, as now provided, the requisitioning of property denied exportation could be accomplished only by complying with the exacting requirements of the 1941 statute, with resulting delays and difficulties. It is deemed important, therefore, that the powers conferred by the earlier statute should be preserved.

The War Department believes that extension of the provisions of sections 1 and 2 of the act of October 10, 1940, is necessary to the proper protection of the interests of the United States.

While the War Department is without means of estimating the fiscal effect of extending the statute in question, it is not believed that any unusual or large expense will result from enactment of the proposed legislation.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation for the consideration of the Congress.

Sincerely yours,

HENRY L. SIMSON,
Secretary of War.

○

Calendar No. 1542

77TH CONGRESS
2^D SESSION

S. 2586

[Report No. 1499]

IN THE SENATE OF THE UNITED STATES

JUNE 8, 1942

Mr. THOMAS of Utah introduced the following bill; which was read twice and referred to the Committee on Military Affairs

JUNE 18, 1942

Reported by Mr. THOMAS of Utah, with amendments

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend section 3 of the Act entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes", approved October 10, 1940 (54 Stat. 1090), to continue it in force during the existing war.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That section 3 of the Act entitled "An Act to authorize the~~
4 ~~President to requisition certain articles and materials for the~~
5 ~~use of the United States, and for other purposes", approved~~
6 ~~October 10, 1940 (54 Stat. 1090), is amended to read as~~
7 ~~follows:~~

8 ~~"SEC. 3. The authority granted in this Act shall remain~~

1 in force during the continuance of the present war and for
2 six months after the termination of the war, or until such
3 earlier time as the Congress by concurrent resolution or the
4 President by proclamation may designate.

5 *That the first sentence of section 1 of the Act entitled "An*
6 *Act to authorize the President to requisition certain articles*
7 *and materials for the use of the United States, and for other*
8 *purposes", approved October 10, 1940 (54 Stat. 1090), is*
9 *hereby amended to read as follows:*

10 *"That whenever the President determines that it is neces-*
11 *sary in the interest of national defense or prosecution of war*
12 *to requisition and take over for the use or operation by the*
13 *United States or in its interest any military or naval equip-*
14 *ment or munitions, or component parts thereof, or machinery,*
15 *tools, or materials, or supplies necessary for the manufac-*
16 *ture, servicing, or operation thereof, ordered, manufactured,*
17 *procured, or possessed for export purposes, the exportation of*
18 *which has been prohibited or curtailed in accordance with the*
19 *provisions of section 6 of the Act approved July 2, 1940*
20 *(Public, Numbered 703, Seventy-sixth Congress; 54 Stat.*
21 *714), as heretofore or hereafter amended, or any other law,*
22 *he is hereby authorized and empowered to requisition and take*
23 *over for the said use or operation by the United States, or in*
24 *its interest, any of the foregoing articles or materials, and*
25 *to sell or otherwise dispose of any such articles or materials,*

1 *or any portion thereof, to a person or a corporation of the*
2 *United States whenever he shall determine such action to be*
3 *in the public interest."*

4 *SEC. 2. That section 3 of said Act of October 10, 1940,*
5 *is hereby amended to read as follows:*

6 *"SEC. 3. The authority granted in this Act shall remain*
7 *in force during the continuance of the present war and for*
8 *six months after the termination of the war, or until such*
9 *earlier time as the Congress by concurrent resolution or the*
10 *President by proclamation may designate."*

Amend the title so as to read: "A bill to amend sections 1 and 3 of the Act entitled 'An Act to authorize the President to requisition articles and materials for the use of the United States, and for other purposes', approved October 19, 1940 (54 Stat. 1090), to continue the Act in effect during the existing war, and for other purposes."

A BILL

To amend section 3 of the Act entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes", approved October 10, 1940 (54 Stat. 1090), to continue it in force during the existing war.

By Mr. THOMAS of Utah

JUNE 8, 1942

Read twice and referred to the Committee on Military Affairs

JUNE 18, 1942

Reported with amendments

June 2

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Alken	Gerry	O'Mahoney
Andrews	Glass	Pepper
Bailey	Green	Radcliffe
Ball	Guffey	Reed
Bankhead	Gurney	Rosier
Bilbo	Hayden	Russell
Bone	Hill	Schwartz
Brewster	Hughes	Shipstead
Bridges	Johnson, Calif.	Smathers
Brown	Johnson, Colo.	Smith
Bulow	Kilgore	Stewart
Burton	Langer	Taft
Butler	Lee	Thomas, Idaho
Byrd	Lucas	Thomas, Okla.
Capper	McCarran	Thomas, Utah
Caraway	McFarland	Tobey
Chavez	McKellar	Truman
Clark, Idaho	McNary	Tunnell
Clark, Mo.	Maloney	Tydings
Connally	Maybank	Van Nuys
Davis	Mead	Walsh
Downey	Millikin	Wheeler
Doxey	Murdoch	White
Ellender	Norris	Willis
George	Nye	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present.

The question is on the motion of the Senator from Tennessee [Mr. STEWART] that the Senate proceed to consider Senate bill 2293.

Mr. BALL. Mr. President, I wish to take only a moment to discuss the matter. I oppose the consideration at this time of Senate bill 2293, which authorizes and directs the Secretary of War to take into custody, as he deems necessary, all persons of the Japanese race in America, whether they are citizens or not. A reading of the report on the bill makes it very apparent that its author is seeking to raise a fundamental question with respect to our whole immigration policy, and to upset, if possible, the Supreme Court decision which originally held that persons of the Japanese race born in America were American citizens, even though their parents could not become naturalized citizens.

In the first place, Mr. President, there is no showing in the committee report that any department of Government believes that this extreme legislation giving the Secretary of War authority to seize any American citizen who happens to be of the Japanese race wherever he finds him, is needed. In fact, the Attorney General said specifically to the committee that he does not believe it to be necessary. There is no testimony at all from the Secretary of War that he believes it to be necessary. Certainly if we are going to do this to persons of the Japanese race who are American-born citizens, we should consider seriously whether we want to do the same thing to American citizens of German descent. As a matter of fact, the latter are in a position to do much greater harm to our war effort by sabotage than are American citizens of Japanese descent, because they stand out in any group of Americans by reason of their race. We know that prior to the war the Nazis were paying the expenses of anywhere from 1,000 to 1,500 citizens of German descent in my State of Minnesota, and the neighboring State of Wisconsin, to visit the homeland, where they tried to inculcate in them the Nazi doctrines.

Mr. MURDOCK. Mr. President—
The PRESIDING OFFICER (Mr. McFARLAND in the chair). Does the Senator from Minnesota yield to the Senator from Utah?

Mr. BALL. I yield.

Mr. MURDOCK. Does the Senator know of any request whatever coming from the Secretary of War, the Secretary of the Navy, or from the Attorney General, that legislation of this type be passed by the Congress?

Mr. BALL. No, there is no such request made. The committee report on the whole shows that there is no such request and that, in fact, the Attorney General is opposed to the passage of the bill.

Mr. MURDOCK. If the Senator will yield further, I should like to observe that all the information I have been able to obtain with respect to the relocation of persons of Japanese descent is that it is proceeding very satisfactorily, and that the American citizens of Japanese descent are acquiescing in the program, and going into the camps wherever they are established, without any objection, without any protest, and without any adverse exhibition of any kind. If the program under the Executive order of the President is moving ahead satisfactorily, if by the Executive order and by the program now being followed we have solved what could have been, in my opinion, a very serious question, why should we invite trouble by the passage of a bill of this kind, when there is no request made for it by those whose responsibility it is to administer the program already started?

If we can wink at the Constitution in the case of the citizen of Japanese descent, then the next step, of course, is to move out and begin putting in concentration camps citizens of German descent, and every other citizen of foreign descent in the United States who may have come or whose parents or ancestors may have come from some nation with which we are today at war.

Mr. President, I think we are treading on very dangerous ground when we pass a bill of this kind, when, in my opinion, there is no necessity for it, and when no request has been made for it by responsible executive heads.

Mr. BALL. I thank the Senator from Utah. My information about the situation as it now stands is the same as that of the Senator from Utah. There is no request for this drastic authority.

I should like to make one additional point.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. STEWART. The Senator from Minnesota says the authority proposed to be given under the bill is drastic. The Senator made the remark a few minutes ago that the same thing is being done now under the Executive order of the President.

Mr. BALL. The President has designated strategic areas from which the Secretary of War is authorized to remove any resident civilian, which is a different thing from the proposal of this bill, which would give him the authority to put into concentration camps 100,000

American citizens without giving them any trial.

The additional point which I desire to make is that it is very clear from the report that the author of the bill would like to raise a fundamental question and reverse the Supreme Court decision which holds that Japanese born in America are American citizens. It seems to me that when the war is over we shall face the problem of working out harmonious relations with the Orient. There is no question that the exclusion act has been a sore spot for many decades, and I do not believe we ought to "monkey" with it at this time, when it is not necessary to win the war.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee [Mr. STEWART] to proceed to the consideration of Senate bill 2293.

Mr. BALL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HILL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

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Mr. TAFT. Mr. President, will the Senator yield to me for a moment?

Mr. MURDOCK. I yield.

Mr. TAFT. I wonder if we could not appeal to the Senator from Tennessee to postpone his motion. The bill seems to me to involve very important constitutional questions. I do not think the Senator from Utah or any of us ought to be put to the task of trying to argue a constitutional question without any preparation. I wonder if the Senator from Tennessee would not be willing to postpone his motion?

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Mr. TAFT. I wonder if we could not appeal to the Senator from Tennessee to postpone his motion. The bill seems to me to involve very important constitutional questions. I do not think the Senator from Utah or any of us ought to be put to the task of trying to argue a constitutional question without any preparation. I wonder if the Senator from Tennessee would not be willing to postpone his motion?

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may have an opportunity to look into the question and find out how serious it is.

Mr. CLARK of Idaho. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. CLARK of Idaho. I join with the Senator from Utah and the Senator from Ohio in their request. I have just seen the bill. In my State and, I am certain, in the State of the Senator from Utah and in most of the other Western and Mountain States, we are confronted with a very difficult situation. In the beet fields our farmers are extremely short of labor. Many of the Japanese race have come there and are helping to solve an extremely critical problem. I myself should like to get in touch with the Governor of my own State and ascertain what the conditions are and whether at this time the passage of such drastic legislation would make those Japanese so angry that they would stop work. They have been cooperating splendidly in the camps there. I should like to join the Senator from Utah and the Senator from Ohio in asking the Senator from Tennessee if he will not voluntarily give us at least a day or two in which to ascertain the implications and ramifications of the bill.

Mr. STEWART. Mr. President, will the Senator from Utah yield?

Mr. MURDOCK. I yield.

Mr. STEWART. Of course, I am perfectly willing to agree that the Senator from Utah or the Senator from Idaho, or any other Senator, shall have a day or two in order to consider any matter. Even if I were to oppose such a request, they probably would be given such opportunity. Of course, I desire to have the Senator from Idaho confer with the Governor and others in his State if he so wishes. I would suggest, however, that the bill go over until Thursday and be made the unfinished business on that day. I should like to have it disposed of.

Mr. HILL. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. HILL. On Thursday we shall have at least one appropriation bill to consider, and we may take up one or two other appropriation bills. I am sure the Senator realizes that next Tuesday will be the 30th of June, and all appropriation bills must be passed by that time. If the Senate should recess today without making any disposition of the pending bill, of course, it would become the pending business when we meet on Thursday; but it might be that some appropriation bills would have to be considered.

Mr. McCARRAN. Will the Senator from Utah yield?

Mr. MURDOCK. I yield.

Mr. McCARRAN. As chairman of a subcommittee, I hope to obtain the floor by next Thursday in order to ask for the consideration on that date of the Labor-Federal Security appropriation bill. That bill involves a number of items which may be the subject of considerable controversy.

Mr. HILL. I am sure that the Senator from Nevada feels that the bill should come up next Thursday.

Mr. McCARRAN. It must be taken up next Thursday, Mr. President, in order that it may be passed and a conference may be had on it before the fiscal year expires.

Mr. HILL. Is there any reason why the pending bill should not go over until Thursday?

Mr. STEWART. There is no reason except one personal to me. I have to be away, and I should like to have a vote on the bill. Of course, if other business is more important, I cannot inject my personal reason into the equation; but there are other Members of the Senate who are as much interested in the passage of the bill as I am, and I should like to have an expression from them. The senior Senator from California [Mr. JOHNSON], the Senator from South Carolina [Mr. MAYBANK], and other Senators are on the subcommittee. We agreed to undertake to bring up the bill as soon as possible, with the hope of having it passed. It seems that several Members of the Senate wish to have more time to think about it and consider it, particularly the Senator from Utah, who desires to prepare a big speech against it.

Mr. MURDOCK. Mr. President, I have no idea of making a big speech against anything the Senator from Tennessee introduces. I am rather reluctant to oppose anything he asks for. However, the bill presents a question which in my opinion is too important to be disposed of hurriedly. If the bill goes over for a few days, and if we have further opportunity to look into it, we can dispose of it promptly. At least we shall be able to dispose of it more intelligently.

Mr. STEWART. I am quite agreeable to that, if some arrangement can be worked out, because I am sure that after further study the Members of the Senate will approve the bill.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. McNARY. I was about to suggest that the bill might be made the subject of a special order of business for a week from today. Of course, if there were any unfinished business preceding it, consideration of the bill would have to be postponed until we disposed of the unfinished business. As a special order the bill would have its status fixed, and it would be taken up Monday, unless it were crowded out by some other business. I am merely offering a suggestion to the able Senator from Tennessee as a means of meeting the situation.

Mr. MURDOCK. Let me ask the Senator from Tennessee whether it is his intention at this time to withdraw his motion for present consideration of the bill?

Mr. STEWART. I was attempting to work out an agreement or reach an understanding relative to the matter.

Mr. MURDOCK. I shall be glad to yield in order that any solution which is fair may be worked out.

Mr. JOHNSON of California. Mr. President, will the Senator yield to me so that I may make a suggestion?

Mr. MURDOCK. I yield to the Senator from California.

Mr. JOHNSON of California. Inasmuch as the Senator from Tennessee is anxious to leave at the earliest possible moment, I was about to suggest that we agree that some reasonable time be given the Senator from Utah to look into the bill, but that we agree, as well, to vote on the bill on a day certain. Could such an agreement be made?

Mr. MURDOCK. That would be perfectly agreeable to me.

Mr. STEWART. In view of the prospective legislative situation for Thursday, suppose I request that I be permitted to withdraw my motion. I assume I can renew it at any time.

Mr. JOHNSON of California. Yes.

Mr. STEWART. I do not want to make an agreement to take up the bill on Thursday if that day will be spent in the consideration of appropriation bills, and I certainly do not want the bill to go over until next Monday if it is possible to reach consideration of it at an earlier date, because I am compelled to leave the city very soon.

Mr. HILL. Mr. President, will the Senator from Utah yield?

Mr. MURDOCK. I yield.

Mr. HILL. Would it not be agreeable to the Senator from Tennessee to obtain consent to withdraw his motion to take up the bill at this time?

Mr. STEWART. I am just about to do so.

Mr. HILL. Then when we meet on Thursday we will have to take up the appropriation bill, and it will have to be disposed of.

Mr. STEWART. Very well. If the Senator from Utah will yield to me, I make the request that I be allowed to withdraw my motion, which I shall expect to renew on Thursday.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the motion is withdrawn.

REQUISITIONING OF ARTICLES AND MATERIALS FOR GOVERNMENT USE

Mr. THOMAS of Utah. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 2586, calendar number 1542. Consideration of the bill will take only a few minutes.

The PRESIDING OFFICER. The bill will be read by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2586) to amend section 3 of the act entitled "An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940 (54 Stat. 1090), to continue it in force during the existing war.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

There being no objection, the Senate proceeded to consider the bill (S. 2586) to amend section 3 of the act entitled "An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940 (54 Stat. 1090) to continue it in force during

the existing war, which had been reported from the Committee on Military Affairs, with an amendment to strike out all after the enacting clause, and insert:

That the first sentence of section 1 of the act entitled "An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940 (54 Stat. 1090), is hereby amended to read as follows:

"That whenever the President determines that it is necessary in the interest of national defense or prosecution of war to requisition and take over for the use or operation by the United States, or in its interest any military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, ordered, manufactured, procured, or possessed for export purposes, the exportation of which has been prohibited or curtailed in accordance with the provisions of section 6 of the act approved July 2, 1940 (Public. No. 703, 76th Cong., 54 Stat. 714), as heretofore or hereafter amended, or any other law, he is hereby authorized and empowered to requisition and take over for the said use or operation by the United States, or in its interest, any of the foregoing articles or materials, and to sell or otherwise dispose of any such articles or materials, or any portion thereof, to a person or a corporation of the United States whenever he shall determine such action to be in the public interest."

SEC. 2. That section 3 of said act of October 10, 1940, is hereby amended to read as follows:

"SEC. 3. The authority granted in this act shall remain in force during the continuance of the present war and for 6 months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate."

Mr. CLARK of Missouri. Mr. President, may we have an explanation of the bill?

Mr. THOMAS of Utah. I am glad to give an explanation. I make this rather unusual request because the present law with regard to the requisition of war materials will come to an end on the 30th of this month. This requisition bill is necessary in order to continue the practice in which the Government has engaged during the last 2 years. The embargo bill went into effect on July 2, 1940. At that time hundreds of various articles needed by foreign countries to be used by them in the war effort had been ordered. The exportation of those materials was stopped. Authority then was given to the President to requisition the materials for the use of our Government. It is to continue that authority that I ask for consideration of the bill at this time.

I should say that approximately 8,000 carloads of materials which belong to some foreign country are occupying the trackage of our country and causing congestion. Those materials are not being bought, but the Government needs authority to requisition them and use them, because all of them are materials which we need.

Mr. President, in agreeing to the amendment the other day which continued the embargo, at the request of the Senator from Ohio we changed the wording of the continuing clause. I shall

move that we make section 3 of the pending bill consistent with the action taken the other day. Therefore I offer the amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, in line 7, after the word "force", it is proposed to insert the words "until June 30, 1944", and to strike out down to the word "or", in line 8, so as to make the section read:

SEC. 3. The authority granted in this act shall remain in force until June 30, 1944, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. WALSH. I find that a number of the bills before the Committee on Naval Affairs and before other committees provide for termination of the powers granted at the end of the present war. In view of the amendment offered, I judge that the Senate Committee on Military Affairs has experienced the uncertainty of that language, and therefore has devised the language which the Senator proposes, which fixes a definite date for the termination of the powers conferred by the bill, and provides that if the war be then in existence the powers shall be extended. Is that correct?

Mr. THOMAS of Utah. That is partially true. The provision which was worked out, carrying the continuation until 6 months after peace, came into existence in dealing with persons. Then it was also commonly used in dealing with things, and it has been written into much of our legislation having to do with the special powers granted the President during wartimes. It is all right, except for the single objection which was made by the Senator from Ohio, that it did leave a certain armistice period for an extension of the powers if Congress did not act or if the President did not act. Therefore the amendment is offered, so far as the pending bill is concerned and so far as the one which we passed the other day is concerned, and it is an amendment which is entirely in order and proper. I think such an amendment should be resisted if it had to do with persons who were held in some foreign land and if 6 months were needed in order to get them back.

Mr. WALSH. I approve of the change and of the amendment. Only this morning in the Committee on Naval Affairs there was a bill presented which provided that it should terminate "at the end of the present war." The members of the committee raised questions as to what that meant, and suggested that it was uncertain. Suppose there should be peace made between certain countries and the war should continue on the part of other countries there would be uncertainty as to just what the phrase "at the end of the present war" meant. Apparently the Senator from Utah and his associates on the committee have devised

this language for future legislation to prevent the use of the phrase which has heretofore been employed "at the end of the present war."

Mr. THOMAS of Utah. That is true. Mr. WALSH. I thank the Senator.

Mr. GERRY. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I am glad to yield.

Mr. GERRY. I inquire what was the reason for inserting "June 30, 1944," in the amendment?

Mr. THOMAS of Utah. The committee extended the operation of the act 2 more years.

Mr. GERRY. Was there any special reason for that?

Mr. THOMAS of Utah. That was the date we determined on when we extended the Embargo Act; therefore, in order to make the Requisition Act consistent with the other act, we chose that arbitrary date.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I am glad to yield.

Mr. TAFT. I am partially responsible for that date. It may become very important to put a definite date on all emergency legislation because of the recent development of the idea of a long trial period. The Under Secretary of State made a speech indicating his view that there should be a trial period which might be as long as 5 years. It seems to me that emergency legislation might or might not be operative during such transition period. In my judgment, the Congress ought to be called upon from time to time to determine which of the emergency legislation should be continued, and which should not be continued. We can continue any act, but we ought to enact only short-time legislation, say for 2 years, with a provision, of course, that Congress may terminate it sooner in case the war should come to an end. In any event, we ought to pass within a period not longer than 2 years on the question of policy as to whether emergency legislation shall continue or shall not continue.

Mr. GERRY. Mr. President, will the Senator from Utah yield?

Mr. THOMAS of Utah. I yield.

Mr. GERRY. As the Senator from Massachusetts [Mr. WALSH] stated a few moments ago, we had some discussion before the Naval Affairs Committee this morning along the same line as that which evidently took place in the Military Affairs Committee. The Senator from Ohio makes the suggestion that it is better to have a definite date. The phrase "the termination of the war" is certainly very indefinite. War might persist with one or more nations when peace had been made with others; in which event, unless there were adopted an amendment such as suggested for this bill, all these powers would continue in force.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah

[Mr. THOMAS] to the committee amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend sections 1 and 3 of the act entitled 'An act to authorize the President to requisition articles and materials for the use of the United States, and for other purposes', approved October 19, 1940 (54 Stat. 1090), to continue the act in effect during the existing war, and for other purposes."

ACCESS ROADS

Mr. McKELLAR. I move that the Senate proceed to the consideration of House bill 6908.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 6908) to amend the Defense Highway Act of 1941.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 6908) to amend the Defense Highway Act of 1941, which had been reported from the Committee on Post Offices and Post Roads with an amendment.

Mr. TAFT. Mr. President, will the Senator explain the bill?

Mr. McKELLAR. I will be very happy to do so.

This bill, which has been reported from the Committee on Post Offices and Post Roads, has for its purpose increasing the authorization for access roads to plants and camps from \$150,000,000 to \$250,000,000. An increase of \$100,000,000 was requested, and the committee has allowed the additional sum of \$100,000,000.

It is necessary to have the access roads to the war plants of the country. The testimony was full and complete before the committee, and the committee has unanimously reported the bill. I hope it may be passed.

Mr. JOHNSON of California. Mr. President, I inquire when the testimony was taken.

Mr. McKELLAR. It was taken within the last week or 10 days before the Committee on Post Offices and Post Roads.

Mr. JOHNSON of California. Did it embrace the question of gasoline?

Mr. McKELLAR. No; it did not.

The PRESIDING OFFICER. The amendment reported by the committee will be stated.

The amendment of the Committee on Post Offices and Post Roads was to strike out all after the enacting clause and insert:

That (a) section 6 of the Defense Highway Act of 1941, approved November 19, 1941 (Public Law No. 295, 77th Cong.), is hereby amended by striking out the figure "\$150,000,000" and inserting in lieu thereof "\$260,000,000, of which \$10,000,000 shall be available for access roads to sources of raw materials."

(b) The first sentence of section 6 of such act is hereby amended by inserting, after

the word "construction," a comma and the word "maintenance."

(c) The first sentence of section 6 of such act is hereby further amended by inserting before the period, at the end thereof, a colon and the following: "Provided, That such certification for access roads to sources of raw materials and industrial sites may be made by the Chairman of the War Production Board."

(d) Section 6 of such act is hereby further amended by inserting before the period, at the end thereof, a colon and the following: "Provided further, That during the continuance of such emergency the Commissioner of Public Roads is authorized to enter into contracts in amounts not exceeding the total of such authorization."

Sec. 2. The term "strategic network of highways," as defined in the first section of such act, shall include the principal highway traffic routes of military importance in Puerto Rico, approved by the War Department on December 8, 1941, and the principal highway traffic routes of military importance in the Territory of Hawaii, approved by the War Department on December 20, 1941.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT

Mr. McKELLAR. Mr. President, I present the conference report on the independent offices appropriation bill and ask unanimous consent for its immediate consideration. I am moved to take this action at the request of the senior Senator from Virginia [Mr. GLASS], who happens to be absent at the moment.

Mr. McNARY. May I make an inquiry of the Senator?

Mr. McKELLAR. Certainly.

Mr. McNARY. Is this a complete report?

Mr. McKELLAR. It is a complete report, and its adoption means the passage of the bill.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6430) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1943, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 32, 113, and 114.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 11, 24, and 115; and agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "Provided further, That not to exceed \$80,000 of the appropriations in this Act for the Civil Service Commission shall be available for the salaries and expenses (including printing and binding) of the Board of Legal Examiners created in the Civil Service Com-

mission by Executive Order Numbered 8743 of April 23, 1941"; and the Senate agree to the same.

CARTER GLASS,
RICHARD B. RUSSELL,
HARRY S. TRUMAN,
THEODORE FRANCIS GREEN,
GERALD P. NYE,
WALLACE H. WHITE, JR.,

Managers on the part of the Senate.

C. A. WOODRUM,
JAMES M. FITZPATRICK,
JOHN M. HUSTON,
JOE STARNES,

(except as to Senate amendment 24),

JOE HENDRICKS,
FRANCIS CASE,
(with certain reservations),

Managers on the part of the House.

The report was agreed to.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the report was considered and agreed to.

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT

Mr. O'MAHONEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7041) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1943, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 42, 76, 86, and 87.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 37, 38, 39, 40, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 61, 62, 63, 64, 65, 66, 67, 68, 69, 72, 73, 74, 75, 77, 79, 80, 81, 82, 83, 84, 88, and 89; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$78,715"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$475,358"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$221,545"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$905,047"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "\$11,200"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

voted for Great Britain, will it get through to England? The President says that he is going to see that it does get through and Mr. Hitler says that he is going to see that it doesn't. Mr. Hitler has his plans, of course, with submarines, aircraft, and other raiders to back up his argument, and the United States has plenty of the same material. The only question is—will the President insist on using it? In other words, will we convoy our shipments to England with our Navy, and if we do, will it mean actual fighting in the European war? We who remember the first World War well remember what happened before as a result of carrying out a procedure of that kind. It was only a short time until we declared war. It is doubtful whether any war needs to be declared now because we are in it for a good many billion dollars and it is only a question of when the fighting will start.

In a release to the newspapers on July 16, 1941, I said that we had taken another step toward war. I quote:

Your Congressman, like all other Congressmen, was shocked when he learned that the President, without consulting Congress, had ordered American troops to Iceland, for the purpose, so he stated, of furthering our national defense. In the writer's opinion, this only brings us just a little bit closer to participation in the war. At least, we are nearer the seat of operations than we were and we cannot go very much farther without being in the actual fighting zone, and when we do, we will be in the war and Congress will have nothing to say about it. The only thing that Congress can do is to remain here in Washington and do its best to prepare an adequate national defense for our country.

The President's course was one which, he assured Congress, would keep us out of war. In my addresses on the floor, and in releases to the press, I said several times before we were attacked that our course would get us into the war. I am satisfied to leave it to you whether I was right or wrong. Who is to blame for getting us into the war, no one should discuss now; that is a matter that should be left to the historians to settle.

As late as November 13, 1941, 24 days before we were attacked by Japan, while we had under consideration House Joint Resolution 237 which was an amendment to the Neutrality Act to permit the President to arm or cause to be armed any American vessel as defined in such act, I said on the House floor:

Mr. Speaker, I am not interested today in preserving either bolshevism or nazi-ism in Europe. We have entirely too much of both in the United States today. I am only interested today in Americanism, and I am satisfied that it cannot be preserved by going to Europe to do it.

I am against the pending resolution because it means war. It means an endorsement of a shooting war which the President of the United States has already declared, and for that reason I am against it.

If America is to survive, we must take care of our own form of government. It is the opposite of all forms of government in Europe. We have only to analyze the situation we find ourselves in today to be convinced of the fact that if we enter this war it may leave us, as it will leave all of Europe, with a large part of Europe devastated and most of the youth as well as other citizens killed, starved, or dead of disease. The last World War left most of the nations in Europe bankrupt, and all that the war finally brought to Europe was nazi-ism and communism, neither of which believes in our form of government. It brought bankruptcy to most

of the nations of Europe, and with our present financial condition in this country, if we participate in this war, it may mean bankruptcy for us and eventually communism or nazi-ism, or perhaps both, in this country.

Our country has grown to its present position among the nations of the earth by attending strictly to our own business.

OUR POSITION AFTER PEARL HARBOR

I have outlined my own position, and that of others who took the same position that I did prior to December 7, 1941, when we were attacked at Pearl Harbor. It matters not what we thought prior to December 7, 1941. This Nation was changed overnight from one that desired peace, to a Nation that wanted to defend itself in every possible way that it could and no one can say that any Member of Congress since that date has had anything in mind except to use every means to win this war. It is our first and greatest job. We have made great progress since December 7 and we are going to win this war. Just how soon, will depend on just how soon we can get prepared to do it. The great worry your Congressman and many other Congressmen have is what is going to happen to the country after we win the war and the peace that everybody throughout the world desires. I just want now to discuss with you briefly some things that have already taken place and some of the things that you have in store for you in the future.

These things, I think, are essential for us to do:

First. We must eliminate waste of every sort in our businesses and in our homes. We are notoriously the most extravagant race in the world. Now we must save every scrap of rubber, tin, aluminum, paper, brass, and strategic materials that we can.

Second. We must economize on all our expenditures. Even though the new gadget may not be made of strategic materials, it requires labor, which is fast becoming our most critical resource.

Third. We must save all the money we can, as we will need it later.

Fourth. We must buy war bonds and stamps with our savings and pay our taxes cheerfully.

Fifth. We must walk instead of ride whenever we can and use the bus or double up when we drive. Too many cars may still be seen along our highways with one man or one woman driving to or from work alone.

Sixth. We must be alert, improve our health and strength. We need both mental and physical vigor for what lies ahead.

Seventh. We must be alert to welcome and entertain service men on leave in our communities.

Eighth. We must move Heaven and earth to keep our businesses going if we can by shifting into war production or by any other method we can devise. If we cannot, then get a war job.

Ninth. We must cooperate wholeheartedly with the organized war agencies, and especially with efforts to stamp out treason.

Tenth. We must not neglect to plan for the future, because the future will be largely of our own making.

THE SMEAR CAMPAIGN

Members of Congress are very familiar with the smear campaign that was started against us, with the sources from which it came. As soon as people discovered who started it and the people who were back of it, they paid very little attention to it. The people realize, of course, that Congress may be criticized, but before the American people join in any campaign to discredit Congress, they had better consider soberly what the function of Congress is; why it behaves as it does, and what would happen if Congress took the implications of its maligners seriously and either became an echo of the Executive or disbanded. Congress is the representative of the people of the United States here at Washington and, contrary to the belief of some people, it does represent the people most of the time in a very realistic way. Fighting a war is not the prerogative of Congress but that of the Executive because he is Commander in Chief of the Army and Navy. It is not the duty of Congress to fight the war or to furnish the leadership but to give the Executive the things that he requires to fight the war with and to keep a firm connection between the Executive and the people. Because we have so much power centered in time of a crisis like war, Congress has an unusual duty to perform, as a part of its job in keeping the Government and the people in step, to see that incompetency is exposed and also all inefficiency in the war effort, even at times when the administration in power may be reluctant to have this done. It is the duty of Congress, also, to uphold civilian morale, even though sacrifices must be made to win the war. This covers some of the duties of Congress in order to be accountable to the people. Congress may be criticized for some of the things that it has done in the past but if a careful study was made covering the United States at the time, you would find that in their votes, Congressmen reflected quite accurately the sentiment of the American public at the time. Congress is the real bulwark of the people. If you wipe Congress out, then you have a totalitarian state with a dictator ruling.

I think our position now is pretty well summed up in a statement made by General Marshall, Chief of Staff of the United States Army, in an address made on June 2, this year, when he said:

America has steeled herself for a bitter struggle, with the implacable determination to hammer out a complete victory, decisive and final. The utmost courage and aggressiveness will be required for complete victory. No compromise is possible, and we must bring about the utter defeat of the Japanese and German war machines.

In that effort, you will find me, and, I think, all of the Congressmen in hearty accord and we will use our very best efforts to win this war, and, let us hope, a peace that will last over many years.

[Here the gavel fell.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BROWN of Ohio (at the request of Mr. Hess), for the balance of the week, on account of illness.

To Mr. Hook, for 2 weeks, on account of important business.

EXTENSION OF REMARKS

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks on two topics, in one to include a newspaper article, and in the other to include a letter.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

[The matters referred to appear in the Appendix.]

ENROLLED BILLS SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 6315. An act to extend for 2 additional years the reduced rates of interest on Federal land bank and Land Bank Commissioner loans; and

H. R. 7182. An act making additional appropriations for the Navy Department and the naval service for the fiscal years ending June 30, 1941, 1942, and 1943, and for other purposes.

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 416. An act for the relief of E. A. Wailes, receiver of Delta Oil Co.;

S. 819. An act for the relief of the widow and children of Dr. Jo M. Ferguson;

S. 885. An act for the relief of certain claimants who suffered loss by flood in, at, or near Bean Lake, in Platte County, in the State of Missouri, during the month of March 1934;

S. 1707. An act to prevent the making of photographs and sketches of military or naval reservations, naval vessels, and other naval and military properties, and for other purposes; and

S. 2467. An act to provide family allowances for the dependents of enlisted men of the Army, Navy, Marine Corps, and Coast Guard of the United States, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on the following dates present to the President, for his approval, a joint resolution and bills of the House of the following titles:

On June 19, 1942:

H. J. Res. 303. Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America.

On June 22, 1942:

H. R. 6315. An act to extend for 2 additional years the reduced rates of interest on Federal land bank and Land Bank Commissioner loans; and

H. R. 7182. An act making additional appropriations for the Navy Department and the naval service for the fiscal years ending June 30, 1941, 1942, and 1943, and for other purposes.

ADJOURNMENT

Mr. D'ALESSANDRO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 35 minutes p. m.), pursuant to its order heretofore entered, the

House adjourned until tomorrow, Tuesday, June 23, 1942, at 11 o'clock a. m.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(Thursday, June 25, 1942)

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Thursday, June 25, 1942.

Business to be considered: Hearing on Federal Communications Commission.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1774. A letter from the Secretary of Labor, transmitting report of statistical studies performed by the Department of Labor for other than Government activities during the period July 1, 1939, to December 31, 1941; to the Committee on Labor.

1775. A letter from the Archivist of the United States, transmitting a report of the Archivist on lists of papers recommended to him for disposal by certain agencies of the Federal Government; to the Committee on the Disposition of Executive Papers.

1776. A letter from the Administrator, Veterans' Administration, transmitting draft of a proposed bill to relieve certain employees of the Veterans' Administration from financial liability for certain overpayments and allow such credit therefor as is necessary in the accounts of certain disbursing officers, and for other purposes; to the Committee on Claims.

1777. A letter from the Secretary of War, transmitting draft of a proposed bill to amend Article of War 114; to the Committee on Military Affairs.

1778. A letter from the Secretary of War, transmitting a draft of a proposed bill for the relief of Beatriz Milan Vda. de Vasquez; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule III, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEARSON: Committee on Interstate and Foreign Commerce. H. R. 7212. A bill to amend section 13 (d) of the Railroad Unemployment Insurance Act; with amendment (Rept. No. 2262). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee on Military Affairs. H. R. 7202. A bill to amend section 3 of the act entitled "An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940 (54 Stat. 1090), to continue it in force during the existing war; without amendment (Rept. No. 2264). Referred to the Committee of the Whole House on the state of the Union.

Mr. HUNTER: Committee on Election of President, Vice President, and Representatives in Congress. H. R. 7223. A bill to provide for a method of voting, in time of war, by members of the land and naval forces absent from the States of their residence and serving within the continental United States; with amendment (Rept. No. 2265). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOEHNE:

H. R. 7263. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mauckport, Harrison County, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. EDMISTON:

H. R. 7269. A bill to authorize the burial in national cemeteries of citizens of the United States serving during the present war in the armed forces of governments of foreign countries at war with the Axis Powers; to the Committee on Military Affairs.

By Mr. HARTLEY:

H. R. 7270. A bill to provide temporary additional compensation to postal employees; to the Committee on the Post Office and Post Roads.

H. R. 7271. A bill to increase the salaries of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. JACOBSEN:

H. R. 7272. A bill to expedite the prosecution of the war by making provision for an increased supply of rubber manufactured from alcohol produced from agricultural or forest products; to the Committee on Agriculture.

By Mr. SECREST:

H. R. 7273. A bill to amend section 1 of the act entitled "An act to provide books for the adult blind," approved March 3, 1931, as amended; to the Committee on the Library.

By Mr. SUMNERS of Texas:

H. R. 7274. A bill to provide for speedy and summary notice in proceedings to condemn land for war purposes, and to accelerate the distribution of deposits and awards to the persons entitled thereto in such cases; to the Committee on the Judiciary.

By Mr. D'ALESSANDRO:

H. R. 7275. A bill to repatriate native-born women residents of the United States who have heretofore lost their citizenship by marriage to an alien; to the Committee on Immigration and Naturalization.

By Mr. VOORHIS of California:

H. R. 7276. A bill to provide funds for the prosecution of the war, and to relieve the American people of unnecessary interest burden; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CREAL:

H. R. 7277. A bill for the relief of H. F. Mathis; to the Committee on Claims.

By Mr. MARTIN of Massachusetts:

H. R. 7278. A bill for the relief of Lillian C. Ferreira; to the Committee on Claims.

By Mr. PLUMLEY:

H. R. 7279. A bill granting an increase of pension to Mary A. Crossett; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3103. By Mr. GRAHAM: Petition of 39 citizens of Ellwood City, Pa., urging the passage of Senate bill 860, as a contribution to a wholesome defense program and a reenactment of legislation similar to that of 1917 and so give to the young men of 1942 the pro-

EXTENDING THE PROVISIONS OF THE ACT OF OCTOBER
10, 1940

JUNE 22, 1942.—Committed to the Committee of the Whole House on the state
of the Union and ordered to be printed.

Mr. MAY, from the Committee on Military Affairs submitted the
following

REPORT

[To accompany H. R. 7202]

The Committee on Military Affairs to whom was referred the bill (H. R. 7202) to amend section 3 of the act of October 10, 1940, which authorizes the President to requisition and take over certain articles and materials denied exportation in accordance with section 6 of the act of July 2, 1940, to continue the requisitioning authority in effect during the existing war, having considered the same, submit the following report thereon, with the recommendation that it do pass:

Section 6 of the act of July 2, 1940 (54 Stat. 712), empowers the President, whenever he determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment, or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacturing, servicing or operation thereof, to issue a proclamation prohibiting, curtailing, or regulating such exportation.

The act of October 10, 1940 (54 Stat. 1090), provides in substance that whenever the President shall determine that it is necessary in the interest of national defense to requisition and take over, for use or operation by the United States or in its interest, any of the articles, materials, or equipment described in section 6 of the act of July 2, 1940, the exportation of which has been denied in accordance with that section, he is authorized to requisition and take over such property and sell or otherwise dispose of the whole or any portion thereof whenever he shall determine such action to be in the public interest.

By section 3 of the act of October 10, 1940, the authority granted by that act is made to terminate June 30, 1942, unless the Congress shall otherwise provide.

The general requisitioning statute of October 16, 1941 (55 Stat. 742), requires that before requisitioning property for use in the national defense, the President must determine (1) that its use is needed for the defense of the United States; (2) such need is immediate and impending and will not admit of delay or resort to any other source of supply; and (3) all other means of obtaining the use of such property upon fair and reasonable terms have been exhausted.

The act of October 16, 1941, authorizes the requisitioning and taking over of property belonging to citizens of the United States, but provides every reasonable safeguard for the protection of private rights, and authorizes the taking of such property only under the circumstances, after the determinations, and on the conditions above outlined. As to property intended for export, which frequently belongs to aliens, no such restrictions and safeguards are necessary, since protection of the interest of the United States, as distinguished from the rights and interests of the private citizen, is the principal concern.

Before requisitioning and taking over property of a citizen, the public need therefor must be determined, the identity of the owner or his authorized representative must be ascertained, and all other means of obtaining the property upon fair and reasonable terms must be exhausted. The citizen, therefore, is assured that he will not be compelled to give up his property unless it is urgently needed for the defense of his country. As to articles ordered, manufactured, procured, or possessed for export, the exportation of which has been prohibited or curtailed, the same degree of care in ascertaining identity of the owner and exhaustion of other means than requisitioning for obtaining the property, should not be required. Title to property intended for export may be in doubt or may have passed to aliens, or the property may be in process of shipment when its need for national defense purposes arises. Accordingly, the act of October 10, 1940, which provides for the requisitioning of such property, is much less restrictive and exacting than the act of October 16, 1941, which authorizes the requisitioning of property of citizens. If the 1940 statute is allowed to expire on June 30, 1942, as now provided, property originally intended for but denied exportation can be requisitioned for use of the United States only by complying with the exacting requirements and meeting the conditions specified by the 1941 statute. Such procedure would entail serious delays and difficulties, with consequent embarrassment and hindrance of the successful prosecution of the war effort.

By amending section 3 of the act of October 10, 1940, in the manner provided by the bill, the provisions of sections 1 and 2 of the act of October 10, 1940, would be extended during the continuance of the present war and for 6 months after its termination, or until such earlier time as the Congress by concurrent resolution or the President by proclamation might designate. In this manner, the right to requisition, promptly and expeditiously, property which has been denied exportation would be preserved.

The committee recommends that the bill (H. R. 7202) be passed as soon as possible, since only a few days remain before expiration of the statute sought to be continued in effect.

The War Department has recommended enactment of this legislation in a letter dated June 3, 1942, as follows:

JUNE 3, 1942.

THE SPEAKER,
House of Representatives.

DEAR MR. SPEAKER: There is enclosed a draft of a bill to amend section 3 of the act entitled "An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940 (54 Stat. 1090), to continue it in force during the existing war, which the War Department recommends be enacted into law.

The purpose of this proposed legislation is to continue in effect during the present war the provisions of sections 1 and 2 of the act of October 10, 1940 (54 Stat. 1090, Public, 829, 76th Cong.).

Section 1 authorizes the President, whenever he deems it necessary in the interest of national defense, to requisition and take over for the use of or operation by the United States, and to sell or otherwise dispose of, any military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or any supplies necessary for the manufacturing, servicing, or operation thereof, which have been ordered, manufactured, procured, or possessed for export purposes, the exportation of which has been denied in accordance with the provisions of section 6 of the act of July 2, 1940 (54 Stat. 712).

Section 2 provides that whenever the President shall requisition and take over any article or material pursuant to the provisions of section 1, the owner shall be paid such compensation therefor as the President shall determine to be fair and just, but if the owner is unwilling to accept the sum so determined, he shall be paid 50 percent thereof, and shall be entitled to sue the United States for such additional sum as he considers fair and just compensation for the property requisitioned, in the manner provided by sections 41 (20) and 250, title 28, of the United States Code, his recovery to be confined to the fair market value of the property, without any allowance for prospective profits or punitive or other damages.

Section 3 provides that the authority granted by sections 1 and 2 shall terminate June 30, 1942, unless the Congress shall otherwise provide. Amendment of section 3 in the manner proposed would continue the provisions of sections 1 and 2 in effect during the present war and for 6 months after termination thereof, or until such earlier time as the Congress or the President might designate.

The act of October 16, 1941 (55 Stat. 742, Public Law 274, 77th Cong.), as amended by section 602, title VI, of the Second War Powers Act of 1942, approved March 27, 1942 (Public Law 507, 77th Cong.), authorizes the President to requisition, take over, and dispose of, during the national emergency declared by him on May 27, 1941, but not later than June 30, 1943, upon payment of fair and just compensation, any military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for manufacturing, servicing, or operating such equipment, supplies, or munitions, whenever he determines (1) that their use or operation is needed for the defense of the United States, (2) such need is immediate and impending and will not admit of delay or resort to any other source of supply, and (3) all other means of obtaining the use of such property for the defense of the United States, upon fair and reasonable terms, have been exhausted.

The act also provides that the President shall determine the amount of fair and just compensation to be paid for any property requisitioned and taken over, and that if the person entitled to receive such compensation is unwilling to accept the amount determined by the President, he shall be paid 50 percent of such amount, and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided by sections 24 (20) and 145 of the Judicial Code (28 U. S. C. 41 (20) and 250) for such additional amount as he considers will afford him fair and just compensation.

In enacting the act of October 16, 1941, authorizing the requisitioning and taking over of property of citizens of the United States, the Congress was careful to provide every reasonable safeguard for the protection of private rights, and authorized the taking of private property of citizens only under the circumstances and on the conditions specified. As to property intended for export, which frequently belongs to aliens, no such restrictions and safeguards are necessary, since protection of the interests of the United States, as distinguished from the interests of the property owner, is the principal concern.

Before requisitioning the property of a citizen under the act of October 16, 1941, the public need therefor must be determined in the manner therein specified, the identity of the owner or his duly authorized agent must be ascertained, and all other means of obtaining the property upon fair and reasonable terms must be

exhausted. The citizen is thus assured that he will not be compelled to give up his property unless it is urgently needed for the defense of his country.

As to articles manufactured or intended for export, and denied exportation, it is obvious that the same degree of care in ascertaining the identity of the owner and exhaustion of all other means of obtaining such property should not be required, since it was not intended for home consumption, title may have passed to an alien, or it may be in transitu at the time it is needed for military purposes. The act of October 10, 1940, authorizing the requisitioning and taking over of such property, is much less restrictive and exacting than the act of October 16, 1941. If the terms of the 1940 statute expire on June 30, 1942, as now provided, the requisitioning of property denied exportation could be accomplished only by complying with the exacting requirements of the 1941 statute, with resulting delays and difficulties. It is deemed important, therefore, that the powers conferred by the earlier statute should be preserved.

The War Department believes that extension of the provisions of sections 1 and 2 of the act of October 10, 1940, is necessary to the proper protection of the interests of the United States.

While the War Department is without means of estimating the fiscal effect of extending the statute in question, it is not believed that any unusual or large expense will result from enactment of the proposed legislation.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation for the consideration of the Congress.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

1 Incl.

Draft of bill.

Pursuant to rule XIII, section 3 of the act of October 10, 1940, is printed below with that part thereof to be retained shown in ordinary type, that part to be deleted shown in black brackets, and the new language shown in italics:

SEC. 3. The authority granted in this Act shall [terminate June 30, 1942, unless the Congress shall otherwise provide.] *remain in force during the continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate.*



W.R.
M.A.
Smith, J. H.
Stromberg
Lickley

Union Calendar No. 803

77TH CONGRESS
2D SESSION

H. R. 7202

[Report No. 2264]

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 1942

Mr. MAY introduced the following bill; which was referred to the Committee on Military Affairs

JUNE 22, 1942

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

A BILL

To amend section 3 of the Act entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes", approved October 10, 1940 (54 Stat. 1090), to continue it in force during the existing war.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 3 of the Act entitled "An Act to authorize the
4 President to requisition certain articles and materials for the
5 use of the United States, and for other purposes", approved
6 October 10, 1940 (54 Stat. 1090), be amended to read as
7 follows:

8 "SEC. 3. The authority granted in this Act shall remain

1 in force during the continuance of the present war and for
 2 six months after the termination of the war, or until such
 3 earlier time as the Congress by concurrent resolution or the
 4 President by proclamation may designate."

Union Calendar No. 803

77TH CONGRESS
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H. R. 7202

[Report No. 2264]

A BILL

To amend section 3 of the Act entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes", approved October 10, 1940 (54 Stat. 1090), to continue it in force during the existing war.

By Mr. May

JUNE 8, 1942

Referred to the Committee on Military Affairs

JUNE 22, 1942

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

REQUISITIONING CERTAIN ARTICLES AND MATERIALS FOR USE OF THE UNITED STATES

Mr. MAY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2586) to amend section 3 of the act entitled "An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940 (54 Stat. 1090), to continue it in force during the existing war.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HINSHAW. Mr. Speaker, reserving the right to object, this bill in another form has been up several times before in the House. Will the gentleman state how the matter of payment for the requisitioned material is provided for in this bill?

Mr. MAY. It is the provision which was included in the bill originally; it requires that the President fix a fair and reasonable market value of the materials. If the man who owns the property is unwilling to accept the valuation fixed by the President he is then to be paid 50 percent of the value of the property as determined by the President and permitted to sue the Government for the remainder, whatever he wants to sue for.

Mr. HINSHAW. As the gentleman knows, in the previous bill we had a provision which stated that the material requisitioned must be unnecessary to the operation of the plant. Is that stricken out of the bill?

Mr. MAY. I do not think it is affected at all, because I was opposed to the Government's taking such things myself and contended for the Taber amendment for a long time.

Mr. HINSHAW. Under this bill can they take out of a plant a piece of machinery that is necessary to the operation of the plant and thereby shut down its operation?

Mr. MAY. They would take over the plant in its entirety in such a case, is the way I understand it, and I hope I am correct.

Mr. HINSHAW. That is what I hoped to see. With the gentleman's assurance, I withdraw my objection.

Mr. BOREN. Mr. Speaker, reserving the right to object, I will not agree to a bill of this nature until I know what the extent of the powers granted are; for example, can they requisition small firearms like shotguns and things like that? We had this issue up on the floor at the time the original bill was passed. What does it do in that regard?

Mr. MAY. The gentleman knows that that was dealt with in the original legislation and the House voted very emphatically on it here, and that was put in the original bill. All this bill does is to extend that particular provision for the duration of this war instead of letting it expire on next Tuesday at midnight.

Mr. BOREN. Mr. Speaker, I withdraw my reservation of objection.

Mr. MAGNUSON. Reserving the right to object, Mr. Speaker, does this bill provide not only for the requisitioning of plants, materials, and things necessary

for the war effort, but also small vessels, harbor craft, and things like that?

Mr. MAY. I should like to give this information to the House for its benefit: The situation is simply that in the prosecution of the war the Government of the United States, under the provisions of the Lend-Lease Act, has sold the foreign governments who were fighting against the Hitler regime millions and millions of dollars worth of property. There has accumulated in the hands of railroads and other transportation facilities destined for the harbor of New York at this time—in that harbor alone—more than 8,000 carloads of materials, and it is still on railroad sidings taking up space and immobilizing freight cars. This same condition exists all up and down the Atlantic seaboard. The purpose of this legislation is really to authorize the President to deal with that situation. He does not care anything about shotguns.

Mr. BLAND. Mr. Speaker, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Virginia.

Mr. BLAND. I understood the gentleman from Kentucky to make the statement that all this bill did was to extend the expiration date of legislation which had already been passed.

Mr. MAY. It does, but all of the things that have been mentioned are personal property.

Mr. BLAND. And is personal property added to the legislation?

Mr. MAY. It is not added; no. A machine gun, of course, is a piece of personal property just the same as is a shotgun that belongs to a farmer.

Mr. BLAND. I thought something was said about seizing vessels in harbors.

Mr. MAY. If we had sold a vessel to Belgium before that country was conquered and the vessel was still in our waters and we wanted to get hold of it to sell it to some other country, it could be done under this bill.

Mr. BLAND. What I want to know is whether the Military Affairs Committee is undertaking to take control of matters pertaining to the merchant marine as it did in a report the other day.

Mr. MAY. Not at all; we would not do a thing like that.

Mr. MAGNUSON. Mr. Speaker, again reserving the right to object for the purpose of asking a question: Does this bill give authority to the President to seize small vessels or small craft in harbors to use for the war effort?

Mr. MAY. If it is personal property he could take it if it became necessary.

Mr. BLAND. I understand, then, the gentleman distinctly states that it is not intended that this bill shall cover that class of vessels, small vessels in harbors?

Mr. MAY. That is exactly right.

Mr. MAGNUSON. But the authority does exist under the bill for the President to seize them to further the war effort.

Mr. MAY. If it is personal property, and is needed, he would have the right to do it.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

Mr. WEST. Mr. Speaker, reserving the right to object, is this the old gun-seizure bill that we have in here again?

Mr. MAY. Yes; but it has been amended according to your wishes and it protects you against seizure of any guns.

Mr. WEST. What is the hurry?

Mr. MAY. Guns are not involved here at all.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first sentence of section 1 of the act entitled "An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940 (54 Stat. 1090), is hereby amended to read as follows:

"That whenever the President determines that it is necessary in the interest of national defense or prosecution of war to requisition and take over for the use or operation by the United States or in its interest any military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, ordered, manufactured, procured, or possessed for export purposes, the exportation of which has been prohibited or curtailed in accordance with the provisions of section 6 of the act approved July 2, 1940 (Public Law No. 703, 76th Cong.; 54 Stat. 714), as heretofore or hereafter amended, or any other law, he is hereby authorized and empowered to requisition and take over for the said use or operation by the United States, or in its interest, any of the foregoing articles or materials, and to sell or otherwise dispose of any such articles or materials, or any portion thereof, to a person or a corporation of the United States whenever he shall determine such action to be in the public interest."

SEC. 2. That section 3 of said act of October 10, 1940, is hereby amended to read as follows:

"Sec. 3. The authority granted in this act shall remain in force until June 30, 1944, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill, H. R. 7202, was laid on the table.

EXTENSION OF REMARKS

Mr. RICH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the Record and to include a statement by Arthur Besse, chairman of the National Association of Wool Manufacturers, on the repudiation of Government contracts. This is additional data to that which I inserted in the Record on June 22, page A2524.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. RICH]?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to insert in the Record at this point a short statement covering the amendments included in the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. ANDREWS]?

There was no objection.

The matter referred to follows:

STATUTES AFFECTED

By section 6 of the act of July 2, 1940 (54 Stat. 712), the President is empowered, whenever he determines that it is necessary in the interest of national defense, to prohibit or curtail the exportation of any military equipment, or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, to issue a proclamation prohibiting, curtailing, or regulating such exportation. The last sentence of section 6 provides that the authority therein granted shall terminate June 30, 1942, unless the Congress shall otherwise provide.

The act of October 10, 1940, provides in substance that whenever the President shall determine that it is necessary in the interest of national defense to requisition and take over for use or operation by the United States or in its interest any of the articles, materials, or equipment described in section 6 of the act of July 2, 1940, the exportation of which has been denied in accordance with that section, he is authorized to requisition or take over such property and to sell or otherwise dispose of any such articles or materials or any portion thereof, whenever he shall determine such action to be in the public interest.

By section 3 of the act of October 10, 1940, the authority granted by that act is made to terminate June 30, 1942, unless the Congress shall otherwise provide.

The general requisitioning statute of October 16, 1941 (55 Stat. 742), requires that before requisitioning property for use in the national defense the President must determine (1) that its use is needed for the defense of the United States; (2) such need is immediate and impending and will not admit of delay or resort to any other source of supply; and (3) all other means of obtaining the use of such property upon fair and reasonable terms have been exhausted.

NECESSITY FOR EXTENDING ACT OF OCTOBER 10, 1940

The act of October 16, 1941, which authorizes the requisitioning and taking over of property belonging to citizens of the United States provides every reasonable safeguard for the protection of private rights, and authorizes the taking of such property only under these circumstances and after the determinations and on the conditions therein specified. As to property intended for export, which frequently belongs to aliens, no such restrictions and safeguards are necessary, since protection of the interests of the United States, as distinguished from the rights and interests of the private citizen, is the principal concern.

Before requisitioning and taking over the property of the citizen, the public need therefor must be determined. The identity of the owner or his authorized representative must be ascertained, and all other means of obtaining the property upon fair and reasonable terms must be exhausted. The citizen thus is assured that he will not be compelled to give up his property unless it is urgently needed for the defense of his country. As to articles ordered, manufactured, procured, or possessed for export, the exportation of which has been prohibited or curtailed, the same degree of care in ascertaining identity of the owner and exhaustion of all means other than requisitioning for obtaining the property is not and should not be required. Title to property manufactured for export may have passed to aliens, or such property may be in transitu when needed for defense purposes. For those reasons, the act of October 10, 1940, authorizing the requisitioning of

such property, is much less restrictive and exacting than the act of October 16, 1941. If the terms of the 1940 statute expire on June 30, 1942, as now provided, the requisitioning of property originally produced or possessed for but denied exportation could be accomplished only by complying with the exacting requirements and meeting the conditions specified in the 1941 statute with resulting delays and difficulties. Such delays and difficulties may embarrass and seriously hinder the successful prosecution of the war effort.

AMENDMENTS PROPOSED

Although S. 2586, as introduced, was prepared by the War Department, representatives of that Department appeared before the committee, recommended amendment of the bill, and explained the necessity therefor. It was pointed out that, as introduced, S. 2586 provides for the extension of the provisions of the act of October 10, 1940, only, without providing for extension or other continuance in effect of the embargo provisions of section 6 of the act of July 2, 1940, it then being understood that the Board of Economic Warfare would prepare and submit a draft of legislation for extending or continuing in effect the provisions of section 6 of the act of July 2, 1940. That Board prepared a draft of bill which was introduced as S. 2558, which has been favorably reported by this committee, and is now on the calendar. By that measure, however, it is proposed to amend section 6 of the act of July 2, 1940, to provide that the President may prohibit or curtail the exportation of any articles, technical data, materials, or supplies, except under such rules and regulations as he shall prescribe. It is felt, therefore, that as to property ordered, manufactured, procured, or possessed for export purposes, the exportation of which has been prohibited or curtailed in accordance with the provisions of section 6 of the act of July 2, 1940, which is not requisitioned and taken over on or before June 30, 1942, there may be some serious question as to the method of procedure or the right to requisition, if the embargo provisions of section 6 are allowed to expire and no provision is made for continuing them in effect or for preserving the existing situation as to such property.

It was reported to the committee that some 8,000 carloads of various materials which had been ordered by or for countries since subjugated and occupied by German forces were denied exportation at the port of New York alone, most of which are now congesting railroad yards and warehouses in that city. Negotiations have been and now are being conducted for the purpose of acquiring such of this material by bargain and sale as can be used in the war effort and its removal and distribution as rapidly as possible, thus releasing railroad rolling stock for use elsewhere, as well as relieving the congestion in freight yards and warehouses. However, it is possible to move this material only at about the rate of 50 carloads a week. Considerable accumulation will still be on hand not only in New York but in other ports when the terms of the existing statutes expire. In many instances acquisition of such property by bargain and sale has been impossible and resort to requisitioning frequently has been necessary. It is desired to preserve intact the right to requisition such property as it now exists.

EXTENSION OF REMARKS

Mr. BELL asked and was given permission to extend his own remarks in the Record.

CORRECTION OF RECORD AND JOURNAL

Mr. COOLEY. Mr. Speaker, on roll call 87 of yesterday I am recorded as having voted "yea." I voted "nay." I ask unanimous consent that the Record and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. COOLEY]?

There was no objection.

AUTHORIZING DISABLED VETERANS TO BECOME MEMBERS OF PRESENT ORGANIZATION OF DISABLED VETERANS

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of H. R. 7282, to amend the act entitled "An act to incorporate the Disabled American Veterans of the World War," approved June 17, 1932, so as to change the name to "Disabled American Veterans," and to extend membership eligibility therein to American citizens, honorably discharged from the active military or naval forces of the United States, or of some country allied with the United States, who have been either wounded, injured, or disabled by reason of such active service during time of war, which has been unanimously approved by the Committee on the Judiciary that has to do with amending of the charter authorizing disabled veterans to become members of the present organization of disabled veterans.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. SUMNERS]?

Mr. SPRINGER. Mr. Speaker, reserving the right to object, will the distinguished gentleman from Texas explain this bill to the Members of the House?

Mr. SUMNERS of Texas. Mr. Speaker, this bill proposes an amendment of the charter of the disabled veterans' organization so that persons who are disabled in this war may become members of the existing organization. I think that is all the bill does.

Mr. SPRINGER. My understanding is that this bill was reported unanimously by the Committee on the Judiciary of the House and it is also requested by the D. A. V.?

Mr. SUMNERS of Texas. That is correct.

Mr. HANCOCK. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from New York.

Mr. HANCOCK. Does the gentleman think this establishes a policy whereby the veterans of the present war will be eligible for all the present veterans' associations?

Mr. SUMNERS of Texas. No, sir; it only makes it possible for veterans who are disabled in this war, if they want to do so, to join the existing organization of disabled veterans in order that they may avail themselves of whatever facilities that organization affords.

Mr. HANCOCK. Well, we have the Order of the Purple Heart.

Mr. SUMNERS of Texas. This deals with only one.

Mr. HANCOCK. We have the Gold Star Mothers and others.

Mr. SUMNERS of Texas. This deals with only one thing, as the gentleman will remember.

Mr. HANCOCK. I am wondering if this establishes a precedent and a policy?

Mr. SUMNERS of Texas. I cannot answer that question as to precedent and

June 29

S. CON. RES. 29

IN THE SENATE OF THE UNITED STATES

JUNE 29, 1942

Mr. THOMAS of Utah submitted the following concurrent resolution; which
was considered and agreed to

CONCURRENT RESOLUTION

1 *Resolved by the Senate (the House of Representatives*
2 *concurring)*, That the Secretary of the Senate be, and he is
3 hereby, authorized and directed, in the enrollment of the bill
4 (S. 2586) to amend sections 1 and 3 of the Act entitled
5 “An Act to authorize the President to requisition articles
6 and materials for the use of the United States, and for other
7 purposes”, approved October 19, 1940 (54 Stat. 1090),
8 to continue the Act in effect during the existing war, and
9 for other purposes, to change the title so as to read: “An
10 Act to amend sections 1 and 3 of the Act entitled ‘An Act
11 to authorize the President to requisition certain articles and
12 materials for the use of the United States, and for other pur-
13 poses’, approved October 10, 1940 (54 Stat. 1090), to
14 continue the Act in effect during the existing war, and for
15 other purposes.”

CONCURRENT RESOLUTION

Authorizing a change in the enrollment of the title of the bill (S. 2586) to amend sections 1 and 3 of the Act entitled "An Act to authorize the President to requisition articles and materials for the use of the United States, and for other purposes", approved October 19, 1940 (54 Stat. 1090), to continue the Act in effect during the existing war, and for other purposes.

By Mr. THOMAS of Utah

JUNE 29, 1942

Considered and agreed to

House of Representatives

TUESDAY, JUNE 30, 1942

The House met at 10 o'clock a. m.

Rev. Edward G. Latch, Metropolitan Memorial Methodist Church, Washington, D. C., offered the following prayer:

Our Heavenly Father, the Father of all wisdom, understanding, and true strength, who art a strong tower of defense to all who put their trust in Thee, make strong our faith that we may become aware of Thy presence about us and within us. In Thee alone is our hope, our life, and our peace.

During the hours of decision, of temptation, and of responsibility, speak Thou to us the word of understanding and courage that we may shun the voice of moral compromise and ever follow the path that leads to moral greatness.

Guide Thou our Nation, we beseech Thee, and lead the nations of the world into the way of justice and truth. Hasten the day when peace shall come and righteousness shall rule in the hearts of all men—we pray in the spirit of Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

CHANGE IN ENROLLMENT OF TITLE OF BILL

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 29 for immediate consideration.

The Clerk read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be, and he is hereby, authorized and directed, to the enrollment of the bill (S. 2586) to amend sections 1 and 3 of the act entitled "An act to authorize the President to requisition articles and materials for the use of the United States, and for other purposes," approved October 19, 1940 (54 Stat. 1090), to continue the act in effect during the existing war, and for other purposes, to change the title so as to read: "An act to amend sections 1 and 3 of the act entitled 'An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes,' approved October 10, 1940 (54 Stat. 1090), to continue the act in effect during the existing war, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

OVERTIME RATES OF COMPENSATION

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. J.

Res. 329) extending the period for which overtime rates of compensation may be paid under certain acts.

The Clerk read the title of the joint resolution.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the provisions for the payment of overtime rates of compensation contained in the act approved June 28, 1940 (54 Stat. 676); the act approved October 21, 1940 (54 Stat. 1205); and the act approved June 3, 1941 (55 Stat. 241), are hereby extended from June 30, 1942, to and including September 30, 1942.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, as I understand, this is a resolution extending legislation already passed by both the House and Senate and already in effect in both the Army and the Navy establishments.

Mr. RAMSPECK. The situation is this: The Congress in 1940 and 1941 provided overtime pay in the War and Navy Departments for certain employees, all of which expires today. The House has already passed legislation continuing these acts. The Senate has passed one of the extension bills or possibly two of them; there are three bills. The House Committee on the Civil Service has pending before it general legislation to cover all the employees of the Government, but we have not been able to report that yet.

Mr. MARTIN of Massachusetts. That is the reason why the gentleman wants a 3 months' extension?

Mr. RAMSPECK. That is right, so that we can work the problem out.

The situation is that we now have about 1,000,000 employees who are entitled to overtime pay and we have another million who are not. In many instances they are doing exactly the same work and working the same hours, but some get overtime pay and some do not. We want time to work that problem out.

Mrs. ROGERS of Massachusetts. Reserving the right to object, Mr. Speaker, it seems only an act of common justice to do this.

Mr. RAMSPECK. I think so.

Mr. RICH. Reserving the right to object, Mr. Speaker, why do we have legislation creating this discrepancy by giving overtime pay to some employees and not to other employees of the Government?

Mr. RAMSPECK. That is a long, long story, and I do not know that I could answer the gentleman's question right now. I think it was a mistake that was made last year and the year before.

Mr. RICH. If you made a mistake last year by passing this legislation, why continue it? Why not wait until the legislation the gentleman's committee is now

drafting is completed, so that you will treat all employees alike? Why not hold this up until that time?

Mr. RAMSPECK. I may say to the gentleman from Pennsylvania that the situation is this: The people covered by this resolution have been getting paid overtime for a couple of years. It would create considerable confusion and interfere with our war effort to cut it off right now. We are trying to work the problem out in an orderly way, and we want time in which to do it.

Mr. RICH. I appreciate that, but the gentleman said a few moments ago it was bad legislation. I do not think that when you have bad legislation you should continue it.

Mr. MARTIN of Massachusetts. I do not believe the gentleman said it was bad legislation.

Mr. RAMSPECK. No; if the gentleman understood me to say that, he misunderstood me. I said it created some discriminations.

Mr. RICH. In the gentleman's first remark he stated that the legislation is not good because it does not cover all Government employees. I think that is right myself. If we are in that position, then why extend it, and until what date? To what date are you extending the operation of these acts?

Mr. RAMSPECK. Only 90 days, to September 30.

Mr. McCORMACK. Reserving the right to object, Mr. Speaker, in answer to the inquiry of the gentleman from Pennsylvania, which I think is a proper one, may I say that unless this resolution goes through the employees who are now getting the benefits of the overtime rate of pay will be denied it.

Mr. RAMSPECK. That is correct.

Mr. McCORMACK. Unless this goes through there will be further discrimination. The purpose of this resolution is to protect the rights of those who are now getting overtime pay. Then during the next 3 months an opportunity will be afforded to consider the whole question and its application to others.

Mr. RAMSPECK. The gentleman is correct.

Mr. RICH. Further reserving the right to object, Mr. Speaker, may I say that if the legislation takes in only a part of the Government employees, if it is good for them it ought to be good for all the employees.

Mr. McCORMACK. Correct.

Mr. RICH. Whenever we discriminate, whenever we find that we are doing something for some people and not doing it for all the people, it is not good legislation. Every man should be treated alike.

Mr. McCORMACK. I agree with the gentleman, but the situation is this: Unless this resolution goes through, those who are now getting the benefit will be denied it. Of course, the purpose of this is to protect them against that situation, and then get additional legislation to take care of the others.

Mr. RICH. Two wrongs do not make a right.

Mr. McCORMACK. I think that is the constructive viewpoint to take.

Mr. RICH. It does not seem to me it is the right thing to do.

Mr. REED of New York. Mr. Speaker, reserving the right to object, as I understand, all the gentleman from Georgia is trying to do is to prevent a greater injustice by having us take this action now, so we can study the problem and work out something that will provide justice for all.

Mr. RAMSPECK. That is right.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN O. SNYDER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I have asked this permission in order that the House may pause for a moment to recognize the valuable service of one whom we all admire and whom we all like, who, after 41 years, 3 months, and 26 days of faithful and loyal service to the organization of the House, will retire at the end of today's business, one of the few legislative House employees to retire, as I understand, in the history of the country, our very good friend and our loyal employee, John O. Snyder, of Brooklyn, N. Y.

Mr. Snyder first came to the House as a result of an appointment by the late George Henry Lindsay, of New York, becoming employed in the organization of the House in the Fifty-seventh Congress, March 4, 1901. He has been a continuous employee of the House during the last 41 years. He was first appointed as assistant messenger, then special assistant to the doorkeeper, and, later, became Democratic pair clerk in 1919, in which capacity he has acted to date. Since 1911 he has also been assistant whip of the New York Democratic delegation.

I know we are all going to miss John Snyder, his welcome smile and his pleasant personality, and I also know we have all been inspired by the wonderful example of loyalty and devotion to duty which he has always evidenced.

We shall always be glad to see John Snyder back among us to visit us at least occasionally, and we hope frequently. I know I speak the sentiments of the House when I extend to John Snyder our sincere feeling of appreciation of his many

years of loyal service and extend to him our best wishes for many more years of life, or rest, and of happiness.

To him I extend my congratulations. He and his family may well feel proud of the great record of loyalty and devotion to duty that he has evidenced to the House organization during the past 41 years.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I will be very glad to yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. I wish to concur in the sentiments so ably and eloquently expressed by my friend the distinguished majority leader. While Mr. Snyder is listed as an employee on the Democratic side, Republicans and Democrats alike appreciate his sterling worth, his genial disposition, his fine personality, and his great service to the country. He has never failed to render aid whenever requested. His departure will be a source of keen regret and I join with the majority leader and his many friends in wishing Mr. Snyder all happiness and prosperity in the days that are to come.

Mr. McCORMACK. Mr. Speaker, I value and appreciate very much the fine contribution made by my distinguished friend from Massachusetts [Mr. MARTIN] and I may also say that we do not look at the employees of the House from the Republican or the Democratic side. They represent all of us. They are a fine body of men and young men and we are all proud of them and we are all proud of the fine example set by John Snyder, an example that all of the other employees of the House are following and which I know they will follow in the future.

And, to you, John Snyder, in closing, Godspeed and good luck.

Mr. KEOGH. Mr. Speaker, will the gentleman from Massachusetts yield to me?

Mr. McCORMACK. Yes; I yield to the gentleman from New York.

Mr. KEOGH. Mr. Speaker, as Mr. Snyder's neighbor in Brooklyn, I should like to express my deep appreciation both to the majority leader and to the minority leader for their splendid words, and I should like, too, to have a moment to say that after creditable service of 41 years, 3 months, and 26 days, John O. Snyder retires from active duty as deputy sergeant at arms. With his retirement the House suffers a great loss, but my personal loss is much greater. John has been a faithful and loyal employee of this body for many years and he leaves with the good will and friendship of the thousands of Members whom he has served. With his departure, however, I shall be deprived of the sound advice, wise counsel, and helpful cooperation which he has extended to me before and since my election as a Member. He has been my "father" in Washington and he has been a grand one. He will always have my deep and abiding gratitude.

Mr. Speaker, my hope and prayer is that when John returns to his home, his family, and respecting neighbors in Brooklyn, he will find the peace and

rest and comfort that his years of service entitle him to and that he will enjoy good health for many years to come. I salute him.

RECORD OF SERVICE IN THE HOUSE

John O. Snyder, of Brooklyn, N. Y.

Continuous-service record, 41 years 3 months 26 days, March 4, 1901, to June 30, 1942, Fifty-seventh to Seventy-seventh Congress.

Secretary to late Hon. George H. Lindsay, Fifty-seventh to Sixty-second Congress.

Secretary to late Hon. Harry Howard Dale, Sixty-third to Sixty-fifth Congress.

Appointed messenger, House of Representatives, May 12, 1911.

Appointed special assistant to the Doorkeeper March 1, 1917.

Appointed Democratic pair clerk May 20, 1919, and acted as such to date.

Appointed assistant whip of the New York Democratic delegation, 1911, by the late Hon. Daniel J. Riordan; reappointed by Hon. John F. Carey, now Supreme Court Justice; and reappointed by Hon. Thomas H. Cullen.

First legislative House employee to retire.

Education: School of hard knocks; went to work at the age of 14.

Speakers: David B. Henderson, of Iowa; Joseph G. Cannon, of Illinois; Champ Clark, of Missouri; Frederick H. Gillette, of Massachusetts; Nicholas Longworth, of Ohio; John N. Garner, of Texas; Henry T. Rainey, of Illinois; Joseph W. Byrns, of Tennessee; William B. Bankhead, of Alabama; Sam Rayburn, of Texas.

Presidents: William McKinley, Theodore Roosevelt, William Howard Taft, Woodrow Wilson, Warren G. Harding, Calvin Coolidge, Herbert Hoover, Franklin D. Roosevelt.

Served in the Forty-seventh Regiment, National Guard of the State of New York.

JOHNNY SNYDER RETIRES NEXT WEEK—DEPUTY SERGEANT AT ARMS AN AIDE IN HOUSE SINCE 1901

(By the Associated Press)

WASHINGTON, June 28.—John O. Snyder, who has been a friend and adviser to scores of Representatives since the days of William McKinley, is going to retire as deputy sergeant at arms next week after 41 years of continuous service in the House.

Only two other men now in the Capitol have served the House longer than Mr. Snyder—William Tyler Page, the House minority clerk, and Joseph J. Sinnott, the House Doorkeeper.

A lifelong resident of Brooklyn, N. Y., "Johnny," as he is popularly known to House Members, came to Washington in 1901 as secretary to the late George H. Lindsay, Representative from Brooklyn. Subsequently he became secretary to the late Representative Harry H. Dale, of New York, Democratic pair clerk and deputy sergeant at arms in charge of pairs.

A modest, quiet-spoken man of 67, Mr. Snyder was an important cog in the congressional machinery. It was his job to arrange pairs for absent Members who desired to be recorded on important legislation. When Democratic late-comers arrived during roll calls, they could always count on "Johnny," standing by the House Chamber door, to tell them how the administration forces were voting.

When Mr. Snyder first came to Congress, House Members had no offices and a bar in the Capitol Building did a rushing business. Times have changed since then, he said, but not the Congressmen.

"They were fine fellows then; they are fine fellows now," said Mr. Snyder.

Eight men have been President since he came to Washington and 10 have been Speakers of the House.

[PUBLIC LAW 643—77TH CONGRESS]

[CHAPTER 471—2D SESSION]

[S. 2586]

AN ACT

To amend sections 1 and 3 of the Act entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes", approved October 10, 1940 (54 Stat. 1090), to continue the Act in effect during the existing war, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the first sentence of section 1 of the Act entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes", approved October 10, 1940 (54 Stat. 1090), is hereby amended to read as follows:

"That whenever the President determines that it is necessary in the interest of national defense or prosecution of war to requisition and take over for the use or operation by the United States or in its interest any military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, ordered, manufactured, procured, or possessed for export purposes, the exportation of which has been prohibited or curtailed in accordance with the provisions of section 6 of the Act approved July 2, 1940 (Public. Numbered 703, Seventy-sixth Congress; 54 Stat. 714), as heretofore or hereafter amended, or any other law, he is hereby authorized and empowered to requisition and take over for the said use or operation by the United States, or in its interest, any of the foregoing articles or materials, and to sell or otherwise dispose of any such articles or materials, or any portion thereof, to a person or a corporation of the United States whenever he shall determine such action to be in the public interest."

SEC. 2. That section 3 of said Act of October 10, 1940, is hereby amended to read as follows:

"SEC. 3. The authority granted in this Act shall remain in force until June 30, 1944, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate."

Approved, July 2, 1942.

